

Town of Eden - Planning Board Minutes

April 6, 2022 7:00 pm

MEMBERS William Mahoney, Chairman
PRESENT Joe Eppolito
Marc Timblin
Andrew Tarasek
Dave Brodzinski
Andy Romanowski
EXCUSED: Brian Reed
Bill Zittel
Frank Meyer, DDS
OTHERS: Town Council – Rich Ventry, Susan Wilhelm
Code Enforcement Officer – Dave Rice
Alliance Homes – Bill Burke

Mr. Mahoney called the meeting to order at 7:00pm and noted that three members have been excused from this meeting and both alternate members will be acting at full capacity for voting purposes. Mr. Romanowski recused himself from the Board for voting on the proposed major subdivision.

Mr. Mahoney then asked for comments on the March minutes.

Mr. Eppolito made a motion to approve the minutes from the March 2, 2022 meeting. Seconded by Mr. Brodzinski; Motion approved unanimously.

Alliance Homes Major Subdivision Sketch Plat – 2744 Paxon Road:

Mr. Mahoney provided some history of the multiple splits of this property which began in 2016. In March of 2017, a sub-lot was created from 2744 Paxon Road. This sub-lot was purchased and merged with 9301 Sandrock Road. This sub-lot contained the only on-site sewer access for the remainder of 2744 Paxon Road. Mr. Mahoney noted that the Board needs to review this proposal under current zoning code, while considering the proposed updated code which is in the public hearing stage and the approved comprehensive plan.

Bill Burke of Alliance Homes provided a summary of the proposal; a major subdivision of 31.7 acres zoned Rural Residential. The proposed 7 lots and frontage is consistent with current zoning code and the NYS subdivision regulations for lots not having public sewer and water. Each lot would have its own septic; water, electric and gas are accessible.

Mr. Romanowski added that they typically would jump at the chance to maximize the number of lots on a parcel, as suggested by the Town Engineer, but there are too many hurdles to overcome. Mainly, the difficult access to sewer and the 9.6 +/- acres of wetlands throughout the property. Wetland laws have become stricter in the past year because of new legislation.

Discussion continued regarding wetland rules, restrictions and setback requirements. Mr. Burke noted that they attempted to contact the property owner at 9301 Sandrock Road with the sewer access, but received no response. Even with sewer access, the wetlands problem still exists. Mr. Romanowski added that the cost to bring the sewer across Sandrock Road would be \$1000 -\$1500 per foot. This will drive the cost per lot to a level that won't be marketable in this area and the problem of the wetlands remains. Board members discussed the potential draw to a larger lot size in this area - outside of the hamlet while considering the approved comprehensive plan and current code requirements.

Mr. Mahoney concluded with the fact that the conversation around the subdivision considering the adopted comprehensive plan and the current code does allow for this subdivision.

Mr. Mahoney made a motion to approve the proposed sketch plat, based on the current zoning code and the difficult accessibility to sewer and the 9.6 +/- acres of wetlands throughout the property; Seconded by Mr. Eppolito. Motion approved unanimously.

Mr. Eppolito made a motion to adjourn the Planning Board meeting. Seconded by Mr. Brodzinski; Motion approved unanimously.

The next meeting is tentatively scheduled for May 4, 2022 at 7:00 pm.

Respectfully submitted,
Jen Crowe, Secretary



April 4, 2022

Mr. William Mahoney
Planning Board Chairman,
Eden Town Hall
2795 East Church Street, Eden, NY

**RE: Alliance Homes 7-Lot Subdivision
2744 Paxon Road
Subdivision Plan Review**

Dear Mr. Mahoney and Members of the Board:

We have reviewed the letter from the applicant (dated March 17, 2022). Below are a few comments to the response letter:

- Attached is a map from Erie County Sewer Mapping which indicates that public sewers are located immediately adjacent to the proposed project site.
- Additionally, regarding the NYS Realty Subdivision Law, a 30-lot clustered development would be connected to public sewers, therefore not be subject to the three-year window requirements. Such a development could be built at once, or in phases as demand requires.
- The letter also indicates that design alternatives were explored but were found to have economic and physical impediments. We ask that the applicant provide examples of the alternatives and details on the analysis showing how it compares to the proposed alternative.

In general, we agree that the proposed subdivision layout is acceptable per the existing code. The existing minimum lot sizes for the RR District is 1.5 acres and the proposed code changes, board approval currently pending, calls for 0.75 acres lacking full public utilities or 0.33 acres with public utilities. In either case, the proposed lots are far above these minimums and meet the basic code requirements of the Town.



However, an overall goal of the proposed zoning changes, as well the Town's existing Comprehensive Plan, is to promote more compact types of developments that responsibly manage natural resources within the Town as well as promoting welcoming walkable neighborhoods. The location of the proposed subdivision is ideal for increased development density due to its proximity to the Hamlet and the accessibility of public sewers along Sandrock Road. It is generally understood that this effort would require additional sewer infrastructure onsite and within the public right-of-way. Coordination with Erie County sewer would also be required to fully realize this opportunity.

While the intent is not to create a burdensome process for the applicant, it shall also be noted that the Town's Comprehensive Plan and it's proposed code changes stress a desire for additional housing density and increasing development opportunities adjacent to the hamlet.

Therefore, we encourage the applicant to provide the Planning Board with a "middle ground" concept as noted above that supports both the objectives of the Town and the applicant.

Very truly yours,

CPL

Theodore E. Donner, P.E.
Town Engineer

E-Cc: Rick Henry, P.E.; Justin Steinbach, AICP (CPL)

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri