

Town of Eden - Planning Board Minutes

July 6, 2022 7:00 pm

MEMBERS Bill Mahoney, Chairman

PRESENT: Bill Zittel

Frank Meyer, DDS

Andrew Tarasek

Andy Romanowski

EXCUSED: Brian Reed

Dave Brodzinski

Marc Timblin

Joe Eppolito

OTHERS: Town Council – Rich Ventry, Susan Wilhelm

Code Enforcement Officer – Dave Rice

Alliance Homes – Bill Burke

Mr. Mahoney called the meeting to order at 7:03pm and announced the format for the public hearing.

Mr. Mahoney opened the public hearing at 7:07pm and read the legal notice as published in the Hamburg Sun:

Pursuant to Town Law, Zoning Local Law and Town Code Chapter 184 of the Town of Eden, notice is hereby given of a PUBLIC HEARING by the Planning Board of the Town of Eden, Erie County, New York to be held on Wednesday July 6, 2022 at 7:00 p.m. local time at the Eden Town Hall, 2795 East Church Street Eden, New York to consider the following:

Application of ARR Holdings, LLC for Preliminary Plat approval of approximately 31.7 acres of land within SBL #238.00-3-1.11 into 7 residential building lots, 3 lots having frontage on Sandrock Road and 4 lots having frontage on Paxon Road in the Town of Eden, County of Erie, State of New York, to be known as the Sandrock/Paxon Subdivision.

Mr. Burke of Alliance Homes gave a brief introduction and summary of the proposal. Alliance Homes has been working with and developing properties in the Town of Eden for over 30 years. This project is a fairly basic and straightforward plan. A 7-lot subdivision with 4 lots on Paxon Road, 2 lots on Sandrock Road and 1 lot on the corner of Paxon and Sandrock. Each lot can connect to existing public water and utilities and will have an individual septic system.

The following residents spoke with concerns regarding the proposed major subdivision:

- Gerald & Casey Sercu, 2830 Paxon Road
- Don & Hope Campisano, 2733 Oakland Drive
- Kerry Fitzgerald, 2727 Oakland Drive
- Eric Vail, 2733 Paxon Road

- Ken & Sandy Franz, 2721 Oakland Drive
- George & Starryl Adams, 9031 Sandrock Road
- Pat Smith, 2973 Paxon Road

The following topics were addressed:

We have concerns about disturbing the wetlands, has Alliance Homes built on wetlands in the past? Has the SEQRA process been completed?

Mr. Burke responded that the wetlands have been delineated and determined to be non-jurisdictional. There are provisions where you can disturb up to 1/10 of an acre and a total of 10 acres. Part 1 of the SEQRA is complete, part 2 and 3 will be completed by the Planning Board at their next meeting. New homes will be built at the front of each lot, closer to the road, not at the rear of the lot where the wetlands would be disturbed. Drainage from the new homes will be directed into roadside ditches.

Residents on Oakland Drive already have flooding problems.

Mr. Burke reiterated that all new homes will drain into roadside ditches on Paxon and Sandrock.

What are the setback requirements for new structures?

Mr. Burke noted that this proposal is fully compliant with current zoning codes.

Mr. Rice informed the group that current setbacks are 50' from the road right-of-way.

How much of this property is bedrock or shale? How will you be getting through the bedrock and/or shale when preparing for a new build?

Mr. Burke responded that bedrock and shale are not a hinderance on this property.

How deep will the new lots be? Will you be removing trees and the natural barrier from the back yards of the Oakland Drive properties?

Mr. Burke stated the lots will be 1,216 feet deep, the rear lot lines will be the same as they are today. The back of the new lots won't be disturbed. The wetlands are in the way, making it cost prohibitive.

The ditches on Paxon Road are already overflowing when there is a heavy rain.

Mr. Rice noted that this is a problem that can be addressed by the Highway Department, it may be time to dig them out.

What is causing the current drains on Oakland to overflow?

Mr. Rice responded with the fact that the current infrastructure on Oakland cannot handle the volume, this is another concern of the Highway Department. I met with Mr. Maggs from the Highway Department to discuss the option of an easement on the Oakland side of this property. The idea is being reviewed by the Town engineer, but it appears that the lowest point is at the rear of Sercu's property, 2802 Paxon Road. Keep in mind, new homes on Paxon will not add to the run-off. Furthermore, the run-off that comes from a new home can be redirected to the roadside ditches on Paxon and Sandrock.

There is a beautiful old oak tree on the west side of this parcel, dating back to the Revolutionary War. Can this tree be protected? Is there a way to guarantee it is preserved?

Mr. Burke responded that the existing vegetation on this property is a natural asset. We will be disturbing as little as possible, but ultimately the future owner of the parcel would have the right to determine what happens to this tree. Mr. Mahoney noted that a tree cannot be put on a historical registry, but the Planning Board can provide a recommendation to preserve the tree.

How big will the new houses be? Will each house be a unique design? Will they have a full basement?

Mr. Burke stated that each home will be unique and the average size will be 2,500 – 3,000 Sq Ft. Each home will have a basement, we have a lot of flexibility with foundation designs.

Will the property lines be marked? I don't want people trespassing onto my property.

Mr. Burke informed the group that a surveyor will be plotting the lot lines. Mr. Rice added that if you feel someone is trespassing on your property, that is a police issue. As a property owner, you also need to prove where the lot line is.

Mr. Mahoney asked the public if there were any additional comments to be considered. No further comments were made. The board will incorporate everyone's comments into their decision. **Mr. Mahoney closed the public hearing at 7:44pm.**

Mr. Mahoney addressed Mr. Burke with next steps and what to expect at the August Planning Board meeting. The board will complete parts 2 and 3 of the SEQR. Mr. Rice, Code Enforcement Officer and Mr. Maggs, Highway Superintendent will discuss the possibility of an easement for drainage purposes with the Town engineer. After engineer review, we can determine if an easement would be beneficial and appropriate. Once the preliminary plat is finalized and approved, the final plat review process can begin.

Mr. Zittel made a motion to adjourn the Planning Board meeting at 7:46pm. Seconded by Dr. Meyer; Motion approved unanimously.

The next meeting is tentatively scheduled for August 3, 2022 at 7:00 pm.

Respectfully submitted,

Jen Crowe, Secretary