

Town of Eden - Planning Board Minutes

August 3, 2022 7:00 pm

MEMBERS Bill Mahoney, Chairman

PRESENT: Joe Eppolito

Dave Brodzinski

Brian Reed

Frank Meyer, DDS

Andrew Tarasek

Marc Timblin

Andy Romanowski

Bill Zittel

OTHERS: Town Council - Susan Wilhelm

Code Enforcement Officer – Dave Rice

Director of Recreation - Amy Porter

Self-Storage - Dr. Robert Hornberger

Dairy Queen – Eric & Nikki Gawron

Convenience Store – Eric & Nikki Gawron

Eden Bowling Center – Joe & Carrie Preischel

Alliance Homes – Bill Burke

Sunset Custom Homes – Ed Wojcik & Tom Pecora

Sunset Custom Homes Engineer – Jason Burford

Mr. Mahoney called the meeting to order at 7:00pm and asked for comments on the June and July minutes.

Mr. Eppolito made a motion to approve the minutes from the June 1, 2022 meeting. Seconded by Mr. Brodzinski; Motion approved unanimously. Mr. Reed made a motion to approve the minutes from July 6, 2022 meeting. Seconded by Dr. Meyer; Motion approved unanimously.

Dr. Robert Hornberger – Pre-Submission for Indoor Storage Facility at 8698 S. Main Street

Dr. Hornberger is interested in utilizing the vacant warehouse as an indoor storage facility during the winter months, October 1st through May 1st. Storage would include anything with wheels – cars, boats, campers, motorcycles etc. All vehicles would be entering the storage facility within a 1-month time frame and there will be no outdoor storage. There is an existing sprinkler system that is connected to the Fire Department. The property is currently for sale, but the owner is looking to lease the property until it is sold. Dr. Hornberger has negotiated a short-term lease with the owner to use the building for the winter months. Dr. Hornberger carries liability insurance only, all clients agree to be self-insured. There is one entrance on South Main Street and another entrance on Hemlock Road. Dr. Hornberger agreed to keeping the doorways plowed and free of debris in order to be prepared for any emergencies. Mr. Rice noted that indoor storage is a permissible use in the MU-1 district and Dr. Hornberger has previously used 8800 South Main Street as an indoor storage facility. There have been no previous problems with Dr. Hornberger and he kept the place clean and professional. Dr. Hornberger is requesting a site plan waiver. Planning Board members discussed the storage facility.

Mr. Mahoney made a motion to waive the site plan submittal with the agreement that there will be no outside storage or parking and once 80% occupancy has been achieved, Dave Rice will conduct a fire inspection. Seconded by Mr. Eppolito; Motion approved unanimously.

Eric & Nikki Gawron – Pre-Submission for Alterations to Dairy Queen at 8380 N. Main Street

Mr. and Mrs. Gawron are interested in aesthetically updating the restaurant to the modern Dairy Queen look, similar to the French Road location in Cheektowaga. They also wish to extend the back of the building to encompass the entrance of the walk-in cooler. Pictures of the new design were shared with board members. Mr. Mahoney suggested that the Gawrons review the current MU-1 Code with Mr. Rice in order to come to an understanding of the intent of the code. A lot of time and effort went into writing this code with the intent of creating the future “look and feel” of Eden. Show us how this meets current code, follow the Site Plan Review process. Submit a full site plan including all MU-1 code requirements, outside renderings and drainage.

Eric & Nikki Gawron – Pre-Submission for Convenience Store at 8396 North Main Street

Mr. and Mrs. Gawron have plans to convert the current service station to a convenient store with gas pumps. They wish to keep the existing building and add an inside entrance for a restroom as well as coolers for “grab and go” drinks and a “beer cave”. The Gawrons are currently working with the NOCO Design Team to create plans. There will be no interior wall changes. The jersey barriers will be removed and replaced with attractive fencing. There is adequate parking on site. 24-hour gas pumps will be available soon. Mr. Mahoney stated that a full site plan will need to be submitted. All plans will need to aesthetically comply with MU-1 zoning code.

Joe & Carrie Preischel – New Signage for Eden Bowling Center at 8716 South Main Street

Mr. and Mrs. Preischel wish to replace the outdated signs at the newly renovated bowling alley. They are requesting 2 awnings, 1 pillar sign and 1 mural. The existing sign will be removed. The pillar sign with landscaping is code compliant – 56 Sq Ft with 10’ setback. The two awnings are directional signs and the proposed mural is considered to be artwork. Board members discussed the proposed signs and the sign code. **Mr. Mahoney made a motion that the final sign proposal, including measurements, be submitted to Dave Rice and the Sign Review Committee. Provided they meet the code, the Planning Board approves the proposed signs. Seconded by Mr. Romanowski; Motion approved unanimously.**

Alliance Homes - Major Subdivision at 2744 Paxon Road

Mr. Burke was present to represent Alliance Homes. Mr. Burke noted that they have located the old tree that was mentioned at the public hearing. The tree is within proposed lot #4 and is 700-800’ from the road frontage, leaving plenty of room to build without disturbing the tree. The new property owner would ultimately have the right to remove the tree if they wished. Based on the layout of wetlands, new homes would be built 1,000’ or more from the Oakland Drive homes. We will not be re-grading the land or changing the topography. Mr. Burke requested that the Planning Board consider approving the preliminary plat and waive the second public hearing. The preliminary plat presented tonight is identical to the one reviewed at last month’s public hearing. Board members discussed comments from the public hearing to include drainage and wetland concerns. Mr. Rice noted that new homes being built will not generate more water on the property and any drainage concerns should be addressed with the Highway Department and/or the Supervisor’s Office. After further discussion, **Mr. Mahoney made a motion to waive the second public hearing and approve the preliminary plat. Seconded by Mr. Zittel, Mr. Romanowski abstained; Remaining members voted in favor of the motion, motion approved.**

Parts 2 and 3 of the SEQR were reviewed and completed with guidance from the Town Engineer. **Motion made by Mr. Mahoney to approve parts 2 and 3 of the SEQR, seconded by Mr. Zittel. Motion approved unanimously.**

Sunset Custom Homes – Major Subdivision at 8310 Evelyn Drive

Mr. Wojcik was present to represent Sunset Custom Homes along with Mr. Burford, Engineer for Sunset Custom Homes.

Mr. Mahoney read the following resolution:

RESOLUTION OF THE EDEN PLANNING BOARD

Declaring Lead Agency Status for Proposed Major Subdivision at 8310 Evelyn Drive

WHEREAS, the Eden Planning Board has received a Sketch Plat from Sunset Custom Homes Inc. for development of property at 8310 Evelyn Drive in the Town of Eden as a Major Subdivision, and

NOW, THEREFORE, IT IS RESOLVED, that the Eden Planning Board does hereby declare itself Lead Agency under SEQR.

Mr. Mahoney made a motion to approve the resolution, seconded by Mr. Reed. Motion approved unanimously.

Mr. Burford updated the board with the current sketch plat proposal, including topography, for 8310 Evelyn Drive. There are no wetlands on this property. There is a detention pond that will overflow to an existing ditch. Easements are in place for the Town to control and maintain drainage, there is no “Home Owner’s Association” involved in this proposal. This is a similar proposal to the Sonnybrook Subdivision retention pond. The existing ditch easement is at a property line that affects 2 property owners. The existing swale at the rear of current Beverly Drive homes will be piped per the proposed drainage plan. Mr. Mahoney suggested adding an access road to the detention pond. Mr. Mahoney also questioned the proposed lot #1, the frontage is shown as 73.72’ and the minimum is 75’. Mr. Burford agreed to address this lot’s frontage in the preliminary plat.

Mr. Rice relayed a request from Mr. Maggs, Highway Superintendent. The Highway Department would prefer no fencing around the retention pond for ease of maintenance. The cattails will create a natural buffer.

Ms. Porter was present to discuss requests from the Recreation Department. Many ideas and suggestions have been discussed - donate park land, run utilities to park land, construction of a pavilion, etc.... A 30’ access road to the existing park land will be deeded to the Town with this proposal. Ideally, the recreation fees of \$750 per lot would be the preferred agreement.

The proposed road specs exceed the Town’s requirements. Mr. Eppolito questioned the addition of sidewalks and street lights. This has become a neighborhood where residents would benefit from sidewalks and street lights. Board members discussed the options and agreed that the addition of sidewalks and street lights would be a great benefit to property owners.

Mr. Mahoney made a motion to approve the sketch plat with the following conditions:

- **The bio-retention pond will be owned by the property owners where it is located**
- **The Town will be responsible for maintaining the bio-retention pond**
- **Provide an adequate easement for access to the retention pond**
- **Add sidewalks and streetlights to Jennifer Drive along the fronts of all homes**
- **Include Recreation fees of \$750 per lot to be paid per the town code.**
- **Donate the 30' wide lot to the Town of Eden so they have a second access road to the existing parkland previously deeded to the town.**

Seconded by Mr. Romanowski; Motion approved unanimously.

Part 1 of the SEQR was reviewed and completed. **Motion was made by Mr. Mahoney to approve part 1 of the SEQR, seconded by Dr. Meyer. Motion approved unanimously.**

Mr. Burford asked the board if they would consider combining the preliminary and final plat approvals. A determination was not provided.

Mr. Mahoney set the public hearing for Wednesday September 7th at 7:30pm.

Mr. Zittel made a motion to adjourn the Planning Board meeting at 9:05pm. Seconded by Dr. Meyer; Motion approved unanimously.

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

Respectfully submitted,
Jen Crowe, Secretary