

## Town of Eden - Planning Board Minutes

September 7, 2022 7:00 pm

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**MEMBERS** Frank Meyer, DDS

**PRESENT:** Joe Eppolito  
Andrew Tarasek  
Marc Timblin

**EXCUSED:** Bill Mahoney  
Dave Brodzinski  
Brian Reed  
Andy Romanowski  
Bill Zittel

**OTHERS:** Town Council - Susan Wilhelm & Rich Ventry  
Town Supervisor – Melissa Hartman  
Code Enforcement Officer – Dave Rice  
Town Engineer – Ted Donner  
Hawk’s Landing Frisbee Golf – Doug & Mary Opiela, Andy Desmond  
Neighbor of Hawk’s Landing – Joe Pinker  
Neighbor of Hawk’s Landing – Frank & Carol Shattuck  
Alliance Homes – Bill Burke  
Sunset Custom Homes – Ed Wojcik & Tom Pecora  
Sunset Custom Homes Engineer – Jason Burford

Dr. Meyer called the meeting to order at 7:00pm and announced that both alternate members will be participating as regular members for tonight’s meeting. Dr. Meyer asked for comments on the August minutes. **Mr. Eppolito made a motion to approve the minutes from the August 3, 2022 meeting. Seconded by Mr. Tarasek; Motion approved unanimously.**

### **Doug & Mary Opiela – Site Plan Review & Request Glow-in-the-Dark Golf**

Mr. and Mrs. Opiela were present to represent Hawk’s Landing Disc Golf. The Opielas submitted an as-built site plan of the existing course as well as the current building plans/layout of the Pro-Shop. They have also installed 400’ of privacy fence on the North property line and installed ADA compliant portable toilets. The Opielas also wish to expand the course at the back of their property and have submitted a proposed site plan for that area as well. The course expansion would include another 18 holes of disc golf and an additional parking area to accommodate another 120 parking spaces. The details of the new course would be updated on the site plan once it is implemented. The Opielas wish to preserve as many trees as possible, so the course will be designed around the existing trees. They would like to host glow-in-the-dark disc golf tournaments. The Opielas provided all documentation for the existing course as requested by the Planning Board at the June 1<sup>st</sup> meeting. Glow-in-the-dark golf would utilize downward, battery-operated, lighting and would be required to comply with the Town noise ordinance.

Mr. Donner, Town Engineer, spoke regarding the proposed site plan for course expansion. The proposed parking area alone will be disturbing more than 1-acre. According to DEC standards, recycled asphalt is considered to be an impervious material. Mr. Donner suggested reviewing SEQR questions #13 and #17 referencing wetland disturbance and stormwater discharge. The Town will also need a copy of the wetland delineation report that is referenced on the site plan. Moving forward, your site plan for expansion should include more detail; topography, grading and drainage.

Neighbor, Frank Shattuck, spoke in opposition of the golf course. Mr. Shattuck feels that the Opielas have not followed the rules that were set by the Planning Board in 2010 when the original course was approved. There is no buffer on the south side and there were no permits approved for the pro-shop. Mr. Rice, Code Enforcement Officer, stated that he has visited the site and the Opielas have corrected the 50' buffer discrepancies, updated the pro-shop to comply with current building code and added ADA compliant portable toilets. Dr. Meyer questioned why there is screening on the north side, but not the south side? Mr. Opiela responded that he has no problem adding screening to the south property line. Mr. Opiela also noted that the original application to the Planning Board in 2010 stated "Frisbee Golf Course with Pro-Shop and Amenities". Mr. Shattuck continued to express his concerns about noise and bulldozers running every weekend. Dr. Meyer explained that these are noise ordinance concerns that should be taken up with the police. Mr. Tarasek added that the Planning Board has authority over site plan approval or a proposed project, not noise violations or trespassing concerns.

Neighbor, Joe Pinker, also spoke in opposition of the golf course. Mr. Pinker feels that the Opielas have not followed the plan that was approved by the Planning Board in 2010. Mr. Pinker feels that the Opielas have been working without permits and have expanded the golf course beyond its original approval. Mr. Pinker and Mr. Shattuck took pictures and measurements at the south property line and they feel that the baskets are less than 50' from the property line.

**Dr. Meyer made a motion to table the decision of site plan approval and require a 400' privacy fence on the south property line, same as the north property line, seconded by Mr. Tarasek. Motion approved unanimously.** Once the fence is complete, return to the Planning Board for site plan approval and glow-in-the dark golf.

#### **Public Hearing for Sunset Custom Homes – Major Subdivision at 8310 Evelyn Dr.**

**Dr. Meyer announced the format of the public hearing 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 September 7, 2022 at 7:30 p.m. local time at the Eden Town Hall, 2795 East Church Street Eden, New York to consider the following:**

**Application of Sunset Custom Homes, Inc. for Preliminary Plat approval of approximately 13.2 acres of land within SBL #223.18-1-46.11, 8310 Evelyn Drive, into 33 residential building lots in the Town of Eden, County of Erie, State of New York, to be known as the Evergreen Acres Subdivision Part III.**

**The hearing was opened at 7:36pm.**

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

- Robert Cook 2513 Beverly Ave.
- Jane Kraft 8316 Evelyn Dr.
- Mark Fitzpatrick 8370 Evelyn Dr.
- Kathleen Nicotera 8298 Evelyn Dr.
- Tim Johnson 2549 Beverly Ave.
- Dave Maddex 2526 Beverly Ave.

The following topics were addressed:

We have drainage issues now; we will have more issues with added homes.

*Mr. Rice responded with details from the drainage plans. There will be concrete gutters on the new road, underground drainage piping from the rear of Beverly Dr. properties to the water retention pond. There is also a water retention pond at the corner of Beverly and Schreiner. Mr. Burford, Sunset's Engineer, confirmed these details.*

The new homes on Beverly are raised higher than existing homes and this is causing additional drainage problems.

*Mr. Rice replied that the gutters on the new houses drain into ground drains. The height of the basement doesn't affect the amount of gutter water.*

The retention pond hasn't raised or lowered all summer. It looks high now.

*Mr. Rice explained that it is a "wet pond" which is designed to be full, not the same as a "dry pond".*

There is a row of evergreen trees near the Evelyn Dr. entrance of the new road. Will the trees remain? If not, will they be replaced?

*Mr. Rice explained that the developer is not obligated to preserve the trees and if they are in the road right-of-way, they will not survive. Mr. Wojcik added that if it's possible, they will preserve them.*

What will happen with the 5 acres of Town-owned land?

*Mr. Rice responded that the Town will have to start mowing the area as there won't be enough farmable land once the subdivision is complete. There are possibilities of a future Town Park on this parcel.*

There is too much traffic on Beverly and Evelyn now. Drivers are speeding and reckless. There is a lot of activities at Minekime Park with cars parking on the road and adding to the traffic problem.

*Mr. Rice noted that the Town Recreation Department and Highway Department have preliminary plans to add a parking lot at Minekime Park to alleviate the street parking problem.*

Residents near Minekime Park do not want to relocate their mailboxes to accommodate a parking lot.

*Mr. Rice added that residents should call the police to enforce speeding and reckless driving.*

The Town should lower the speed limit and post more speed limit signs.

*Ms. Hartman responded that Eden is a Town, not a Village. A Village can set speed limits, a Town cannot.*

*Town of Eden residents have the option to petition New York State to request a lower speed limit. Mr. Rice added that the Town has "Area Speed Limit" signs. Once again, residents should be calling the police about speeding and reckless driving. The Planning Board has no jurisdiction over New York State traffic laws.*

**Dr. Meyer asked if there were any additional comments from the public, there were none. The public hearing was closed at 7:58pm.**

## **Alliance Homes - Major Subdivision at 2744 Paxon Road**

Dr. Meyer read the following resolution:

### **NEGATIVE DECLARATION, Determination of Non-Significance**

**Lead Agency:** Town of Eden Planning Board  
**Date:** September 7, 2022  
**Name of Action:** Paxon/Sandrock Subdivision  
**Location:** 2744 Paxon Road Eden, NY 14057

**Description:** Major Subdivision of approximately 31.7 acres of land at 2744 Paxon Road 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 Paxon/Sandrock Subdivision.

**Petitioner:** ARR Holdings, LLC

This project is an Unlisted Action under the SEQR process. As part of this process, The Planning Board carefully reviewed this project, comparing it to all the listed "Criteria" for determination of significance set forth in SEQR Regulations (6NYCRR 617.7). Based upon the foregoing, the Town of Eden Planning Board concludes that the proposed project will not adversely affect the natural resources of the State and/or health, safety and welfare of the public and is consistent with social and economic considerations. The result of this review is that a Notice of Determination of Non-Significance (Negative Declaration) is hereby RESOLVED for the proposed Paxon/Sandrock Subdivision as follows:

WHEREAS, the Town of Eden Planning Board has reviewed the plans and information submitted by the applicant including a Short Environmental Assessment Form (EAF) – Part 1, 2 and 3 and found them to be in compliance with the applicable standards; and

WHEREAS, the Town of Eden Planning Board has found no item of significant impact to the Town of Eden and that the project is in accordance with all zoning and plans for the development of the Town;

NOW, THEREFORE BE IT RESOLVED, that the Town of Eden Planning Board hereby issues a **Negative Declaration** of environmental impact for the development of this project.

**Dr. Meyer motioned to approve the resolution, seconded by Mr. Timblin. Motion approved unanimously.**

Mr. Burke was present to represent Alliance Homes. The final map cover presented tonight is identical to the Final Plat that was approved at the August 3<sup>rd</sup> Planning Board meeting, with the exception of one ownership name correction. **Mr. Eppolito made a motion to approve the final map cover, seconded by Mr. Tarasek. Motion approved unanimously.**

**Dr. Meyer motioned to adjourn the Planning Board meeting at 8:15pm. Seconded by Mr. Tarasek; Motion approved unanimously.**

The next meeting is tentatively scheduled for October 5, 2022 at 7:00 pm.

Respectfully submitted,  
Jen Crowe, Secretary