

Town of Eden - Planning Board Minutes

October 5, 2022 7:00 pm

MEMBERS Bill Mahoney, Chairman

PRESENT: Joe Eppolito
Andrew Tarasek
Marc Timblin
Dave Brodzinski
Brian Reed
Andy Romanowski
Bill Zittel

EXCUSED: Frank Meyer, DDS

OTHERS: Town Council - Susan Wilhelm & Rich Ventry
Code Enforcement Officer – Dave Rice
Highway Superintendent – Ron Maggs
Hawk’s Landing Frisbee Golf – Doug & Mary Opiela, Andy Desmond
Neighbor of Hawk’s Landing – Joe & Kristen Pinker
Attorney for the Pinkers – Michael Schiavone
Neighbor of Hawk’s Landing – Frank & Carol Shattuck
Eden Dairy Queen – Eric Gawron
Sunset Custom Homes – Ed Wojcik
Sunset Custom Homes Engineer – Jason Burford

Mr. Mahoney called the meeting to order at 7:05pm and asked for comments on the September minutes.

Mr. Eppolito made a motion to approve the minutes from the September 7, 2022 meeting. Seconded by Mr. Zittel; Motion approved unanimously.

Doug & Mary Opiela – As-Built Site Plan Review & Request Glow-in-the-Dark Golf at 9198 Sauer Road

Mr. and Mrs. Opiela were present to represent Hawk’s Landing Disc Golf. The Opielas submitted an as-built site plan showing the addition of the 400’ privacy fence on the south property line as requested by the Planning Board at the September 7th meeting. The Opielas would like to host glow-in-the-dark disc golf tournaments and are requesting approval from the Planning Board to do so. Glow-in-the-dark golf would utilize downward, battery-operated, lighting and the Opielas understand they would be required to comply with the Town’s noise ordinance. The updated site plan of the proposed course expansion has not yet been completed. Once complete, the Opielas plan to resubmit that request to the Planning Board.

Mr. Mahoney gave a brief update of the present requests which began in April of 2022. He also read the June 1st meeting minutes pertaining to the Opielas. At this point, we have an updated as-built site plan and a request to conduct glow-in-the-dark golf tournaments and expand the course to include another 18 baskets. Mr. Mahoney asked Mr. Rice if the current course is now in compliance with the original approved site plan form 2011. Mr. Rice stated that the course is now in compliance with the original approved site plan and all tee

boxes are outside of the 50' buffer. Mr. Rice also performed a building and fire inspection of the pro-shop and confirmed that the building is compliant with building and fire code.

Neighbor, Frank Shattuck, questioned the location of the tee box at basket #13. He believes it is within the 50' buffer area. Mr. Shattuck also questioned why the privacy screening can't be added to the remaining length of the property line to protect his gas well. There is an additional 300' – 600' area with no screening. Mr. Rice repeated that all tee boxes are outside of the 50' buffer area and the privacy fencing is 400' long on the north property line and 400' long on the south property line as previously requested by the Planning Board. Mr. Opiela added that they continuously remind players not to retrieve stray frisbees if they cross the property line. There are posted signs in place and there is a message on the score card stating that only Doug & Mary Opiela are permitted to retrieve frisbees that cross the property line.

Neighbor, Joe Pinker, questioned the definition of a fairway. Mr. Rice offered to provide a definition; Mr. Mahoney responded that it is not necessary based on the point in time of this application.

Mr. Eppolito asked the Opielas how often they would like to host these glow-in-the-dark tournaments and what the hours of operation would be. Every night, once a week, once a month? Mr. Opiela replied that he is uncertain. It would depend on the need or desire of people wanting to play. The desire would determine the schedule. This would be a seasonal event beginning in late August. The hours will depend on the time of year, but would typically run from 8:00 or 9:00pm until 11:00pm.

Michael Schiavone, attorney for the Pinkers, requested to address the board. Mr. Mahoney responded that this is NOT a public hearing and the Town attorney is not present. We are not required to allow any of the public to speak, but as a courtesy, we will allow you a few minutes. Mr. Schiavone informed the board of a letter that his office sent to the Planning Board secretary earlier in the day and he brought copies of the letter to share with board members. Mr. Mahoney informed him that he is well past the deadline to submit documents for this meeting and the board is not able to accept the letter at this time. The letter will not be part of the record for this meeting. In summary, Mr. Schiavone stated that the Opielas have not been following the approved plan for the golf course that was approved by the Planning Board in 2011. They are not SEQR compliant and if they wish to expand the course, the Planning Board should require the long form SEQR, not the short form that was submitted.

Mr. Desmond, contractor for the Opielas, asked for clarification of use in the 50' buffer. The 50' buffer is property owned by the Opielas, there will be players that walk, talk and stand in this area. Mr. Rice confirmed that the 50' buffer is the Opielas property and can be occupied by players.

Mr. Mahoney noted that the application submitted was for expanding the golf course and hosting glow-in-the-dark golf. According to the application, the Opielas do not have all of their documents prepared to submit tonight. Mr. Opiela responded that he was requesting two different things; 1- host glow-in-the-dark golf on the existing course now and 2- expand the course in the future. Mr. Mahoney repeated that is not what the application says and that if the planning board is going to review the application as submitted the appropriate documents must be provided. The applicant can resend the application and resubmit if they would like.

Mr. Mahoney made a motion to disallow glow-in-the-dark golf at this time, based on the incomplete submission for tonight's meeting, seconded by Mr. Zittel. Motion approved unanimously.

Eric Gawron, owner of Dairy Queen, has submitted a site plan review application along with a proposed site plan and exterior elevations. The proposal includes an extension at the rear of the building allowing inside access to the walk-in cooler and exterior changes updating the store to the new, modern design for Dairy Queen. Mr. Gawron added that the brick on the building will be stained using a masonry stain, not painted. Mr. Mahoney noted that the previous owner came to the Planning Board in 2011 to update the exterior of the building. At that time, the board denied the request because the aesthetic design did not fit the Town's Comprehensive Plan. In 2017 the Comprehensive Plan was updated, adding MU-1 Zoning. Mr. Reed questioned if the proposed aesthetic changes are suitable for MU-1 Zoning, Mr. Mahoney suggested that Mr. Gawron's engineer get in touch with the Town's engineer for clarification of the code (post this meeting the town has requested our engineer to provide comments to Mr. Gawron's architect). Mr. Gawron was asked if he would be replacing the sign, he explained that they will be reusing the existing sign. The roof line will be changing, but the current roof does need replacing. Mr. Gawron was asked if Dairy Queen offers a variety of building designs similar to Tim Horton's varying styles that you would see in different towns. Mr. Gawron explained that this is the only building design that they offer. Mr. Mahoney again suggested that their engineer meet with the Town engineer to get a better understanding of the code, and the applicant provide a complete site plan submission in accordance with the town code and Mixed Use District Design Standards.

Sunset Custom Homes – Major Subdivision at 8310 Evelyn Drive

Mr. Burford, engineer for Sunset Custom Homes, addressed all of the Town engineer's comments from the September preliminary plat submission. The Town engineer has no additional comments. Mr. Maggs, Highway Superintendent, requested the following changes:

1. Drainage Easements - 15' minimum if piped and 30' minimum if open
2. Under the Typical Pavement Section (page 15) - Eliminate the blacktop base and increase binder to 4"
3. Typical 70' ROW Half Section (page 15) - 11' Lanes instead of 12' lanes
4. Temporary Turnaround (page 2) - Shows a "T", change to an "L". 20' wide x 50' deep to the right just past phase one. At least 50' of road beyond turn-around.

Mr. Wojcik and Mr. Burford agreed to make the suggested changes. Mr. Maggs asked if the storm water calculations were verified by the Town Engineer. Mr. Rice responded that he felt they were and will confirm with CPL. The board raised questions about the sidewalks and who will be responsible for putting them in and maintaining them. Mr. Wojcik confirmed that Sunset Custom Homes will install them once a house is built. It will be the responsibility of the homeowner to maintain the sidewalk in front of their property. Mr. Wojcik explained that they will not be selling vacant lots to private individuals. If they were to sell a vacant lot to another builder, the sale will include the commitment to install a sidewalk once the house is built. Additional questions were raised regarding sidewalks to Evelyn Drive once lots 20 and 21 are developed. Mr. Wojcik confirmed that Sunset Custom Homes will complete the sidewalks to Evelyn Drive once lots 20 and 21 are developed.

Board members completed and reviewed parts 2 and 3 of the Environmental Assessment Form. They concluded with a determination of no significant adverse environmental impacts. **Mr. Mahoney motioned to approve parts 2 and 3 of the SEAF, seconded by Mr. Reed. Motion approved unanimously.**

The board then considered waiving the second public hearing as all comments and feedback have been addressed. **Mr. Mahoney motioned to waive the second public hearing, seconded by Mr. Brodzinski. Motion approved unanimously.**

Mr. Mahoney motioned to approve the preliminary plat with the following conditions:

- **Make changes as requested by Mr. Maggs, Highway Superintendent**
- **Verify storm water calculations with CPL, Town Engineer**
- **Sidewalk to Evelyn Drive will be completed by the developer once lots 20 and 21 are developed**
- **Any vacant lots remaining after 5 years from dedication of the road, per phase, will have sidewalks installed by the developer**
- **The developer is responsible for installing a central mail collection area as required by the US Postal Service**

Seconded by Mr. Romanowski; Motion approved unanimously.

Mr. Mahoney motioned to adjourn the Planning Board meeting at 8:40pm. Seconded by Mr. Zittel; Motion approved unanimously.

The next meeting is tentatively scheduled for November 2, 2022 at 7:00 pm.

Respectfully submitted,
Jen Crowe, Secretary