

## Town of Eden - Planning Board Minutes

November 2, 2022 7:00 pm

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**MEMBERS** Bill Mahoney, Chairman

**PRESENT:** Joe Eppolito

Andrew Tarasek

Frank Meyer, DDS

Brian Reed

Andy Romanowski

Bill Zittel

**EXCUSED:** Dave Brodzinski

Marc Timblin

**OTHERS:** Town Council - Susan Wilhelm & Rich Ventry

Code Enforcement Officer – Dave Rice

Sunset Custom Homes – Ed Wojcik & Tom Pecora

Eden Dairy Queen – Eric Gawron

Engineer for Dairy Queen – Jim Manguso

Schreiber & Winkelman – Don Schreiber Jr.

Shur-Fine Food Mart – Frank Lignos

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

**Mr. Zittel made a motion to approve the minutes from the October 5, 2022 meeting. Seconded by Mr. Eppolito; Motion approved unanimously.**

### **Sunset Custom Homes – Final Plat Review for Major Subdivision at 8310 Evelyn Dr.**

Mr. Mahoney read the following resolution:

Major Subdivision of approximately 13.8 acres of land at 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 Part III Subdivision. The proposal includes one road connecting West Church Street and Evelyn Drive, public water, public sewer and storm drainage facilities,

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 Evergreen Acres Part III 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.

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

Board members reviewed the Final Plat which included updates as requested by the Highway Superintendent and the Town Engineer. The board discussed the assurance of having the sidewalks completed throughout the development and the Division of Sewer Management approvals for the sanitary sewer system.

**Mr. Mahoney made a motion to approve the Final Plat with the following contingencies:**

- **Commitment letter signed by the developer stating that when the sidewalks are built for lots #20 & 21, the sidewalk must fully extend to Evelyn Drive.**
- **Commitment letter signed by the developer agreeing to construct sidewalks on a developed parcel before a Certificate of Occupancy is issued, or sidewalks must be constructed within 1-year of change in ownership of any parcel sold.**
- **Division of Sewer Maintenance final approval.**

**Seconded by Mr. Reed. Motion approved unanimously.**

#### **Dairy Queen – Site Plan review at 8380 N. Main Street**

Review of Exterior Renderings: Mr. Gawron, owner of Dairy Queen and Jim Manguso, Engineer for Dairy Queen were present to answer questions and provide additional details of the exterior changes and updated site plan. Mr. Manguso explained the exterior renderings as aesthetic changes needed to conform with the look of the modern Dairy Queen restaurants. The company has spent millions of dollars to brand themselves and this is the design and colors of all newly remodeled stores. The current building has an unusual red roof design that does not meet current Dairy Queen standards. Mr. Gawron noted that the current roof is 1,120 sq. ft. of solid red. The new roof line and color scheme would reduce the impact of red by 92%. Hardy board will be used to comply with Mixed Use Zoning standards. In addition, the structural changes will create a similar building style as the neighboring property, “Revive” salon. Mr. Manguso described the proposed exterior lighting. There will be no light trespassing, 6.9 lumens per foot which is approximately 1/3 of a standard light bulb. The existing signage will be reused. The 16’-18’ parapet is intended to hide the HVAC units on the roof. Mr. Mahoney referenced the Town’s Master Plan’s intent to preserve the historical look of the Town, this proposal is a very modern looking building. Mr. Manguso replied with his understanding of the intent of the Town, but there is only one option for updating the building to Dairy Queen’s standards. The proposed upgrades are very similar to the look of the Hamburg Dairy Queen. Mr. Romanowski noted that the proposed updates would not be out of character for the area. Mr. Gawron referenced the Town Engineer’s review letter dated October 19, 2022, “...the proposed changes compliment the area...”. Board members continued to discuss the proposal. Mr. Mahoney requested that the measurements of all signage be added to the renderings and resubmit the proposal.

Site Plan Review: The proposed site plan shows a 180 Sq. Ft. addition at the rear of the building to provide interior access to the walk-in cooler. The drive-thru menu board will be relocated to allow for one additional car

to wait in the line before arriving at the pickup window. The outdoor seating area is the same and additional landscaping will be added. Planters will be added to the front of the building as well. Mr. Mahoney questioned the small parking space on the north west side of the building. Mr. Gawron agreed that it is an undersized parking space and he will remove it in an effort to prevent blocking George Street. Mr. Mahoney also suggested the option to line the drive-thru and add arrows. Mr. Gawron agreed to the request. Mr. Gawron noted that currently there are no parking lot lights and they would like to add some downward-lit wall sconces to the exterior of the building. Mr. Mahoney summarized all requests for the project; Add sign measurements to the exterior renderings, add planters to the site plan at the front of the building, eliminate the undersized parking space from the site plan, add striping and arrows for the drive-thru lane and provide photometrics for all exterior lighting. After making these changes, you can resubmit the site plan for approval. The board discussed the option of a public hearing for the project. Members agreed that based on the scope of the project, a public hearing does not seem necessary. **Motion made by Mr. Romanowski to waive the public hearing, seconded by Dr. Meyer. Motion approved unanimously.**

### **Schreiber & Winkelman – Pre-Submission for Major Subdivision at 3054, 3060 & 3067 E. Pleasant Ave.**

Don Schreiber Jr. presented a preliminary plan for completing the Sonnybrook Subdivision. His plan included two requests. The first request was to approve lot #21 as a buildable lot so that it can be sold. This lot has road frontage and all utilities. The wetlands were delineated in August of 2019. The turnaround could be relocated to lot #22. Mr. Mahoney stated that this lot is not a buildable lot and cannot be sold as a buildable lot. Lot#21 is part of Sonnybrook Subdivision phase III that has not been completed. Mr. Schreiber's second request was to withdraw the original undeveloped plan for Sonnybrook Subdivision Phase III. He proposed a 7-lot subdivision with permanent turnarounds, but would include a connecting 8' wide paved bicycle/walking trail. Mr. Reed asked if Mr. Schreiber was aware of the recent changes to the zoning code; the frontage requirement went from 100' to 75'. Based on those calculations, you could potentially have 20 buildable lots. Mr. Schreiber was aware of the 75' frontage option but has concerns about what size houses could be built on a smaller lot, it may look out of character for the neighborhood. Board members questioned who would be maintaining the bike/walking trails. Mr. Schreiber suggested that the Town could maintain them. Mr. Rice noted that the Town does not maintain the sidewalks on these streets, so it is unlikely that they would be interested in maintaining the bike/walking trail. Mr. Schreiber added that the permanent turnarounds would provide a larger area for snowplows and school buses to turn around. Mr. Mahoney stated that the Planning Board's goal would be to see the roads connected as shown in the original plan. Phase III cannot be withdrawn; the goal is to connect the roads.

### **Shur-Fine Food Mart – Sign Replacement at 8081 N. Main Street**

Frank Lignos, owner of Shur-Fine, submitted plans for a wall-sign replacement on the front of the building. The existing sign is approximately 74 SQ FT and the new sign would be 84 SQ FT. The color scheme would be changing from red to green and an ear of corn would be added above the words "Shur-Fine Eden Market". Board members reviewed and discussed the proposed sign and agreed that it would be a nice upgrade. Mr. Mahoney made a motion to approve the new sign, seconded by Mr. Romanowski. Motion approved unanimously.

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

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

Respectfully submitted,  
Jen Crowe, Secretary