MINUTES
Eden Planning Board
May 27, 2014

MEMBERS PRESENT:
Mark Agle
Frank Meyer
Bill Zittel
William Mahoney

MEMBERS ABSENT:
David Johnson
Juanita Majewski
Andrew Romanowski
Kevin O'Gorman

GUESTS:

Greg Keyser (Engineer – CRA)
Yvette O'Brien (classic are sales)
Philip Muck
Ed Krycia, Jr. (Town Council)

Chairman Mark Agle called the May 27, 2014 Planning Board meeting to order at 7:02 p.m. Alternate, Frank Meyer will be a full member tonight due to the absence of four members. Mark asked for a motion to approve the April 29, 2014 minutes as printed and distributed. Bill Zittel made a motion, Frank Meyer seconded, hearing no further comments or corrections – Vote: all "Ayes" motion carried.

NEW & UNFINISHED BUSINESS:

1: Final Site Plan Approval
O'Brien Used Car Sales

The O'Brien's were here last month for a pre-submission about selling used cars on their property at 8551 North Main Street. Based upon input received from last month's meeting, Mrs. O'Brien has submitted a revised site plan for this board to review. The plans include six delineated spaces for the car sales, the location of signage, parking spaces allocated for the pub, access to the car wash and the visitor parking for the office. Mark Agle asked the board if there were and further discussion or questions for the applicant. Being no additional questions for the

applicant Mark then asked for input from our Town Engineer, Greg Keyser from CRA. Greg reported that he had reviewed the Short Environmental Assessment Form filled out by the applicant and determined that the proposed use was an Unlisted Action under SEQRA and that the project will not result in any significant adverse environmental impacts. Mark Agle then read the Negative Declaration into the public record. The Negative Declaration and supporting rationale will be on file at the Town Hall with the Planning Board Secretary.

Bill Zittel made a motion to approve the Site Plan for O'Brien's Used Car Sales, Seconded by Bill Mahoney: motioned carried, all "ayes"

SEE ATTACHED

SEQRA Determination of Significance
Resolution Declaring a Negative Declaration

Name of Action: O'Brien's Used Car Sales

WHEREAS, the Town of Eden Planning Board is in receipt of a Site Plan application submitted by Yvette Obrien for property located at 8551 North Main Street in the Town of Eden; and

WHEREAS, the action involves a change of use to allow the applicant to display and sell used motor vehicles; and

WHEREAS, the Planning Board has the primary responsibility for approving the Project and has determined that the Project is an Unlisted Action undergoing an uncoordinated environmental review; and

WHEREAS, the Planning Board, in performing the lead agency function for the environmental review, has reviewed the Project including the Environmental Assessment Form and all other application material; and

WHEREAS, the Board has taken a "hard look" at all potentially adverse environmental impacts pursuant to SEQR;

NOW, THEREFORE, be it resolved by the Board that

Based upon the Planning Board's thorough and careful review of the Project and application materials, including the Environmental Assessment Form and all other materials submitted in connection therewith, the Board hereby determines that the Project will not result in any significant environmental impacts and hereby issues a negative declaration for the Project pursuant to SEQRA.

REASONS SUPPORTING THE NEGATIVE DECLARATION:

1. Air, Water, Noise, Waste, Erosion, Drainage, Site Disturbance Effects: The Project will not create any adverse change in the existing air quality, water quality or noise levels, nor in solid waste production, nor potential for erosion, nor promote flooding or drainage problems. The Project will produce a minimal disturbance of soil and vegetation during construction, with minimal storm run-off.

2. Aesthetics, Agriculture, Archeology, History, Natural or Cultural Resource, Community or Neighborhood Character: The Project will not adversely affect agricultural, archeological, historical, natural, or cultural resources.

3. Vegetation, Fish, Wildlife, Significant Habitats, Threatened or Endangered Species. No plant or animal life will be adversely permanently affected by the Project.

4. Community Plans, Use of Land or Natural Resources. The Project is in keeping with official community plans and goals and will have no adverse effects on land-use or the use of natural resources by or in the community.

5. Growth, Subsequent Development, etc. The Project is not expected to induce any significant or adverse growth or subsequent development.

6. Long Term, Short Term, Cumulative, or Other Effects. The Project will not have any significant adverse long term, short term, cumulative, or other environmental effects.

7. Critical Environmental Area. The Project will not have an impact on any Critical Environmental Area as designated in 6 NYCRR, subdivision 617.14(g).

8. Public Health and Safety. The Board finds no adverse impacts on the public health.

REPORT: A request was sent to the Town Board about the Code Enforcement Officer, Mr. Scott Henry, pertaining to his attendance at our Planning Board meetings when needed. The Board has approved his attendance when needed, providing they have a written request from the Planning Board two weeks prior to the meeting. This two week time period conforms to the Planning Board's deadline for publishing its meeting agenda. Once the meeting agenda is set; we will then be able to determine the need for his attendance. Then the Town has to send this request to Civil Service for their approval or denial. The Zoning Board also has to follow these new procedures for their hearings as well. Ed Krycia, Town Board member said that the board felt that Mr. Henry should be able to do this within his allotted hours. Bill Zittel also commented that if we feel that we need his presence at the meeting to provide guidance in helping us in our deliberations, then we should be able to have him present so as not to hold up an applicant.

REPORT: Certain members present tonight, Ed Krycia, Bill Mahoney and Greg Keyser are all members of a new committee formed by the Town Board to address the LED Signage moratorium along with Mr. Bill Trask, Town Attorney and Rich Ventry. Ed told the board that the committee is looking for some direction and would like to know where the town would like to go with this. The committee is reviewing the codes that are now in place but are not sure, how the citizens feel about the LED signage issue. Is this something that would be desirable in our town? Bill Mahoney said that the committee would like a yes or no direction so they know how to address this subject. Ed contacted other individual town council members to see how this subject is being handled in other towns. He has gotten mixed reactions to this, some towns want them and some do not. Greg also told the board that the church in Town has a "legal" LED sign [obtained the necessary variance prior to installation] and there have been no complaints. Then you look at the Legion Sign, which is illegal under our present code, however there has been no action taken on the Legion sign due to the moratorium (perhaps if the code does change, the sign may be legal under the new verbiage). Phil Muck who is a member of the Zoning Board told the board that when the Legion was in front of his board about their sign, he asked the sign company representative questions about how the sign was to be lit but received no direct answers. Bill Zittel brought up the point that, in a commercial setting if one business has an LED sign and that only makes other businesses want them for competitive purposes. He believes that this could lead to a hop scotch throughout the town. Discussion was then directed towards the different aspects of the signs: examples; only black and white lights, sign uniformity, back-lit only signs, size, set- backs etc. Ed Krycia suggested a town wide questionnaire pertaining to how the residents feel about LED signs in the town. The Town has a Master Plan that was very meticulously developed with input from the public and professional consultants. One of its fundamental aspects is to protect the character of our town's business area via the Hamlet Overlay. The Master Plan is up for review in 2015. Bill Mahoney commented that this board has taken great pride in being very mindful of the Master Plan in its reviews of site plans. Would an influx of these types of signs be step with the notion of maintaining the character of this area of town? Mark Agle again endorsed Ed's idea of maybe sending out a questionnaire to the town for feedback to the committee on this

issue. Another point that was brought up by Ed was that he saw at Armor Fire Hall advertising on a LED sign for prospective advertisers to use their sign for a fee.

Bill Zittel made the motion to adjourn the meeting at 7:50p.m. Seconded by Frank Meyer. All "Ayes" motion carried.

The next meeting is tentatively scheduled for June 24, 2014 at 7:00 p.m.

Respectfully submitted,

Diane Herzog