TOWN OF EDEN
PLANNING BOARD MINUTES
SEPTEMBER 24TH, 2013

MEMBERS PRESENT:

MARK AGLE – CHAIRMAN
BILL MAHONEY – VICE CHRM
FRANK MEYER, D.D.S.
JUANITA MAJEWSKI
BILL ZITTEL

MEMBERS NOT-PRESENT:

TONY WEISS
ANDREW ROMANOWSKI
DAVE JOHNSON
KEVIN O'GORMAN M.D.

GUESTS:

MARK CAVACOLI – CRA INFRASTRUCTURE & ENGINEERING
MEAGAN COGGINS – CAMP WHISKERS
CARLIN CAMPBELL – MERIDIA COMMUNITY CREDIT UNION
SCOTT HENRY – EDEN BUILDING INSPECTOR
KENNETH PARTRIDGE – MERIDIA COMMUNITY CREDIT UNION

Chairman Agle called the September 24thth, 2013 meeting to order at 7:06pm and asked the board if there were any changes to the August 26th, 2013 minutes as printed. Bill Zittel made a motion to approve the minutes seconded by Juanita Majewski all "ayes" motion approved.

NEW AND UNFININSHED BUSINESS:

1. **Camp Whiskers – Site Plan Review**

The owner of Camp Whiskers, Meagan Coggins attends this evening for her Site Plan Review for her cat kennel business. The site plan review fee was paid to the secretary of the Planning Board. At the August 2013 meeting, Ms. Coggins was present for a Pre-Submission conference. After Ms. Coggins was given input from this board she completed a site plan which we received by the deadline for this meeting. A local law was revised to allow for cat's only commercial business and the intention for this is to construct a 40 x 20' pole barn for the boarding facilities. We had asked several questions at the pre-submission at the last meeting and explained the process to the

applicant. This project will require a Special Use Permit from the Town Board and also because of the zone it's in it has to conform to the requirements of the conservation district. The applicant owns 4 acres and the Town Code requires her to have 5 acres, so we suspected an area variance would be needed from the Zoning Board of Appeals. We asked the applicant to wait to make sure there were no more variances needed before this board makes a formal recommendation to the Zoning Board. Mark explained that the applicant has 97' from the edge of the barn to the property line; there are no outdoor runs so the setback for outdoor runs does not apply here. We also received the Short Form SEQRA from the applicant. So essentially, where this project stands right now, this project requires a Special Use Permit from the Town Board and requires a variance and a site plan approval from the Planning Board to approve. Camp Whiskers will need 3 separate approvals; my understanding is that you are on the Zoning Boards agenda for October. This board will make an official referral to the Zoning Board this evening for the variance you need. The Town board can start the SEQRA review, the 30- day period with the state. That will be running simultaneously with the Zoning board and everything else. One condition of the Special Use Permit is that after we recommend you to the Town Board for the permit you will have to be back here in front of the Planning Board for final approval of your Site Plan. Scott Henry noted a separation distance, which is a building code issue; there are two buildings on the same lot I assume they will be of wood frame construction. The state building code states that they have to be separated by at least 20'. Right now the plan shows 7 -7.5' distance between, Mr. Henry suggested the engineer or design professional go into the town code further to be familiar with what is required. Another issue is the parking space size shows 9' they must be 10' x 20'. This will be helpful to revise so that when you site plan comes before this board for a final approval it will be all set to go. Mr. Henry said the last thing he noticed was that the number of employees should be documented on the site plan, if none just notes it on the plans. Mark Cavacoli commented that there is no environmental issue so there will be no engineering review required. CRA will prepare a Negative Declaration once this project goes through all the boards for approval. Mark Agle brought up the question of the maximum number of animals that Ms. Coggins would have at any given moment and her reply was that she has 16 enclosures planned. The enclosures can hold 1 – 4 cats per customer, which would be a maximum of 64 cats. Mark also said that there is a condition in the code that you will have to specify the number of animals. Mark said that whatever your number is you need to specify that on your plans.

EDEN PLANNING BOARD

2795 East Church Street, Eden, New York 14057

Mark Agle, Chairman
William Mahoney, Vice Chairman
Kevin O'Gorman, M.D.
Juanita Majewski
Anthony Weiss
William Zittel
Andrew Romanowski
David Johnson
Franklin Meyer, D.D.S., Alternate

To: Lucille Kaminski, Chairman Zoning Board

From: Mark Agle, Chairman Planning Board

Re: Referral to the Town of Eden Zoning Board
Coggins Site Plan for an Animal Kennel

Date: September 24, 2013

Please be advised that the Planning Board has received, at its September 24, 2013 meeting, a site plan submission for the above referenced kennel. As submitted, the site plan does not meet the bulk requirements for lot area (specified in the Conservation referring zone) of five (5) acres as set forth in the Town General Use Regulations and therefore requires a variance by action of the Zoning Board to enable them to proceed with the site plan as currently submitted.

Therefore, the Planning Board is hereby referring this matter to the Zoning Board for their consideration and action concerning this proposed use

Further, be advised that since the proposed use (commercial animal kennel) would require a Special Use Permit, and thus is also under consideration by the Town Board which will be the lead agency under SEQRA.

Respectfully submitted,

Mark Agle, Chairman Eden Planning Board

RECOMMENDATION FROM THE EDEN PLANNING BOARD

To: Glenn Nellis, Supervisor and Eden Town Board Members

From; Mark Agle, Chairman Planning Board

Re: Recommendation to Town of Eden Town Board
Coggins Site Plan for an Animal Kennel

Date: September 26, 2013

The Planning Board of the Town of Eden completed its required reviews at its' September 24th, 2013 meeting under the Code, including consideration of the elements of Section 225-46(A), and hereby provides the following input for consideration by the Town Board.

1. We understand that, as lead agency, the Town Board will conduct any required SEQRA reviews and will keep the Planning Board apprised of such.
2. The Planning Board of the Town of Eden determined the submitted, Preliminary Site Plan is in substantial compliance with Town Zoning Code and that the applicant will make all requested revisions.
3. We have no issues with the concept of such a use at this location.
4. The Planning Board of the Town of Eden has referred the applicant to the Zoning Board of Appeals for certain required variances.
5. If all necessary variances are granted by the Zoning Board of Appeals, the applicant must obtain Final Site Plan approval by the Planning Board.

Therefore, it is hereby recommended that the following conditions be made part of the Kennel Special Use Permit, if granted:

a. That the permit is made to be specific as to the purpose: to board cats only and not for commercial breeding purposes.
b. That the permit is made to be specific as to the maximum number of cats to be boarded.
c. That the permit is nontransferable.
d. That the permit is subject to annual review.

The Planning Board of the Town of Eden respectfully submits this recommendation for the Coggins Animal Kennel to the Eden Town Board for their consideration when determining whether a Kennel Special Use Permit will be granted for this site and use.

Respectfully submitted,
Mark Agle, Chairman Eden Planning Board

Scott Henry said that when the Town Board has this on record for approval and it would be helpful for them to have a number to work with because it will likely come up at their public hearing. Mark Agle said that we cannot act on anything this evening but we can make a recommendation to the Town Board. Mark read the Planning Boards recommendation to the Town Board. (see attached)

2. MERIDIA COMMUNITY CREDIT UNION

The Planning board received the revised site plan from them; at the last meeting, we discuss issues that were important to this board. This board also received the sub-division of the property surveys. A couple of issues came up in the review. Mark Cavalcoli reviewed the drainage plans and commented that the calculations and reports were all done satisfactorily. The drainage will be minimal and flow to the back is the natural flow, the question that comes up is that your actual overflow area from the pond you will need an easement it is not on your property. You will need to address that because anything permanent that you are going to have for that is going to has to be either on your own property or it has to have a permanent easement.

Carlin Campbell explained to the board that Ken Partridge was here before but had to leave due to a prior engagement. I think what the owner would like to do is to get the extra land for this. Mark Cavacoli told the design engineer to keep it as minimal as possible because if you purchase anymore you may extend into the agricultural district and you have to be under the 2- acre parcel or it will trigger a Type 1 action, which will require a more extensive review. Carlin replied that if they get .2 it would be more than what they need, they would still be under an acre. Mark Agle stated that it is up to you and your lawyers it is not up to us to recommend for the easement or purchase of more land. While you are in the process, take under consideration the site plan that would be approvable. I would get the property while you can that would make the most sense to me. Mark explained to Bill Mahoney that they are over hanging the property line that is why they need it. Bill Mahoney said that he thought that there is a lot of retention for a little site. Mark Cavacoli said that the difference here as explained by their drainage expert is that this is huge it is not deep it is like 2' deep. It is more of a sloping area and there is drainage underneath to carry this out from the site. Therefore, they will need a good-sized area to capture what is coming down the sides. The solutions are easement, an acquisition or design change. Mark Cavacoli suggested that if they needed to talk to CRA's drainage engineer her name is Cammie MacGraw, however you do it you will

have to deal with where that is going to go. Whatever options you decide upon the drawings are all going to have to be revised to reflect that as well as the survey drawings from the sub-division. We would like to get this project going for you but we need these submissions before our deadline of October 15th, 2013. We are precluded from acting tonight because of 30-day SEQRA period has not run yet and by law, we cannot act. However, it will have run by 12 October that would be complete and we did receive one agency comment back from the DEC today, there was no issue of consequence that they identified. The one that has the most bearing on us is the County, so they can either respond in 30- days or not respond at all but if 30 days goes by they have deemed to approve it if we receive nothing. Mark Agle also added that if you can get this plan revised accordingly we would be actually good to go. Mark Cavacoli wanted the design professional to know that if they purchase the land he would like to check and make sure that because there is an Agricultural District that abuts that right now you are out of the Ag district but if you go beyond the certain distance which is well beyond what you are talking about .2 acres and if you go well beyond that it will trigger a much more extensive review for a Type 1 action.

A couple more points of interest we need to discuss is the lighting, this is not an engineering issue it is a Planning Board issue but we did note that you don't show the light going all the way over to the neighbor's property. The Planning Board needs to make a decision as to what they want and what kind of lighting you are going to continue to use what is going to be going out to the areas of the property. Mark Agle said that presumably you have directional heads shown so it should be substanually as you go away 180 degrees away from the direction they are pointed but you want to make sure the residual effects to the residential property line is next to nothing by the time it gets to the property line. Mark Cavacoli said that the lighting really needs to be shown on the site plan. For the next submission of the revised site plan, have your sign details. Carlin Campbell asked if they did not have the sign details ready for the deadline would that is something they could do later. Mark Agle said that this is something we approve it conditionally but so you know to get a permit to put up the sign you will need a permit. Lastly the issue that according to the code we should have the elevations from all four prospectives. I know you have the elevation renditions from a corner angle so you see two sides at a time which I guess I have no issue with it does show what you are going to do. On the one side, is just the drive up window that is it? Carlin replied that it is a drive up ATM and the back is a mechanical room. Mark goes on to say that at the last meeting, they discussed

additional munnions in the windows to make it look a little more in tuned with the hamlet. Carlin explained that if they wanted to have vinyl graphics in the windows it would distort the view of the graphic with the munnions in. Scott Henry explained a little about signage codes having to do with the permanent and temporary signage. Promotional or temporary signage you get two cycles of 180 days that would be (2) 90-day periods in a 365 day period. A loan event or something along those lines you can pull a permit for promotional signs. Carlin asked if we can make it work with in the requirements would you be ok with the windows the way they are in the photos. If we did the windows, the other way that would limit us as far as signage goes. Mark Agle asked the board their comments and he suggested that there are windows that you would have a flat side even with munnions in the windows. Mark suggested having a munnion on the tops where the transom is and taking it out in the lower half of the window that would be a compromise situation. There are no scrolling signs allowed in the Town of Eden just keep that in mind. Bill Mahoney asked if the majority of the business is drive thru or customer walk ins and Carlin replied that there will only be 2 to 3 cars in the lot at a time, members cars and about 2 to 3 employees cars. Carlin Campbell asked if it would be better to place the screening along the property line, the only reason being is that then the residential neighbor does not have to look at the drainage pond, the board seemed to like that idea. Bill Mahoney also wanted to tell the design professional to make sure they have what the materials will be they are using on the site plan. The board members noted that Gowanda was miss-spelled on the plans and needs to be corrected.

REPORTS:

Talked with CRA Engineering about conducting a training seminar for the all board members to meet their required training for the year.

ANNOUNCEMENTS:

Need to discuss date of November and December meetings if there are any agenda items. For December, the last Tuesday of the month falls on New Years Eve and the week before is Christmas Eve.

ADJOURNMENT:

Bill Zittel made the motion to adjourn the Planning Board Meeting at 7:55pm, seconded by Dr. Frank Meyer, all "ayes".

Next Planning board meeting is scheduled for October 29th, 2013 @ 7:00pm.

Respectfully submitted,

Diane Herzog, Secretary Eden Planning Board