

# VILLAGE OF ALDEN PLANNING BOARD

13336 Broadway  
Alden, NY 14004-1394

## APPROVED MINUTES OF THE MEETING ON June 21, 2017

Members Present: Chairman David Metz, Paul Werner, Mark Casell, Dick Kegler, Doug Henry, Esther Kibbe, CEO Czechowski, Timothy Arlington – Apex Consulting, Will and Alex Severyn.

Absent: Susan DeWitt

Chairman Metz brought the meeting to order at 7:30 PM. Chairman Metz entertained a motion to accept the April 2017 meeting minutes.

Motion was made by Mark Casell and seconded by Paul Werner. All were in favor and the motion was so moved and carried out.

### **New Business:**

#### **Cluster Development designation for Birch Creek Run Patio Home Project, SBL# 108.18-2-3**

CEO Czechowski reiterated the fact that this site plan was first proposed as a mother parcel consisting of 21 homes on a private road. Due to the fact that in order for potential buyers to get mortgages a physical (deeded) lot must accompany the home. Tim Arlington – Apex Consulting, addressed the board on the proposed changes to the project, requesting it could be reclassified as a cluster development. A cluster development would entail subdividing it into 21 homes on 21 lots and a mother parcel which contains the common areas (road, pond). It binds 21 homes to the mother parcel and the HOA. There is no physical change to this proposed project, only paper changes and waivers to re-classify it as a cluster development. The following waivers are required to approve the change: size of the parcel zoned R1 requires 7.5 acres, this subdivision is on a 3.06 acre lot, lot size waiver and the minimum requirement of 3 trees per lot would need to be lifted. The setbacks, open space requirement and size of homes already meets code. If approved, Chairman Metz would need sign the map cover. Condo status has already been approved by the state.

Birch Creek Run is a private street requiring no village maintenance but has a Home Owners Association (HOA), which must abide by village code. The HOA will be run by Severyn Development until 51% of the homes have been purchased and a board is established according to the rules set by the attorney General. Every purchaser automatically becomes a member of the HOA.

Chairman Metz recommended in upcoming meetings, this board review the code for cluster development and patio homes and return with suggestions.

MOTION by Doug Henry and seconded by Richard Kegler to recommend approval to the Village of Alden Board of Trustees of the submitted Site Plan and designation of the Birch Creek Run Patio Home Project as a Cluster Development as a subdivision of land, as provided for by the Code of the Village of Alden, with the following waivers and conditions:

WAIVERS, as provided for in Chapter 210-25E(3):

- 1) To allow the approval of the project with a total land area of 3.06 acres (7.5 acres prescriptively required). Open space provided is 45% of lot area, where only 25% open space is required.
- 2) To allow lot sizes as proposed (lot sizes of 100' x 150', 15,000 SF prescriptively required). Consistent with a patio home type of development, and provides a closer-knit, community atmosphere.
- 3) To allow 35 trees to be included (66 trees prescriptively required). Extensive plantings are proposed for each home lot to provided aesthetic and green considerations.

CONDITIONS/REQUIREMENTS:

- 1) All 21 of the residential dwellings in the development, while on individual parcels, shall be contingent and dependent upon the mother parcel for maintenance of exterior areas, including, but not limited to the private roadway, storm drainage system, private utility systems, common open spaces, and snow removal. All 22 of the parcels within the approved development shall be bound together for such

purposes through a Home Owner's Association, and no parcel may be excluded from said Association.

- 2) The developer will install a six-foot high vinyl stockade fence along the west property line to serve as a buffer. Fencing to be installed from a point ten feet from the southern property line northward to the north property line, along the west property line. Said fence to be of a color and design approved by the Village of Alden.
- 3) Canvas awnings and roofs may only be installed upon issuance of a Building Permit from the Village of Alden.
- 4) Roofing replacement may only be done upon issuance of a Building Permit from the Village of Alden.
- 5) No Home Business Occupation may be undertaken unless a Home Occupation Permit is first secured from the Village of Alden.
- 6) Developer will monitor and regulate on-street parking through the Homeowners Association Agreement so that emergency vehicle access is maintained as required by the New York State Building Construction & Fire Prevention Code. This includes daily street parking as well as parking for guests and special events.

Roll Call vote: Member Kibbe – aye

Member Casell – aye

Member Werner – aye

Member Kegler – aye

Member Henry – aye

Chairman Metz – aye All were in favor and the motion was so moved and carried out.

MOTION by Esther Kibbe and seconded by Paul Werner, to authorize Planning Board Chairman David Metz to sign the necessary documents and map cover(s) for filing with the Erie County Clerk's Office for the Birch Creek Run Cluster Development as a subdivision of land.

Said authorization is contingent upon approval of the Village of Alden Board of Trustees of the Birch Creek Run Site Plan and Cluster Development, with all applicable waivers and conditions.

Roll Call vote: Member Kibbe – aye

Member Casell – aye

Member Werner – aye

Member Kegler – aye

Member Henry – aye

Chairman Metz – aye All were in favor and the motion was so moved and carried out.

#### **Old Business:**

**Kraus Brothers (New to You Consignment) 13394 Broadway. SBL#108.20-8-20.1** still waiting for NYSDOT approval, Valu said no to allow a driveway off of their parking lot. Neighbor complaints to the north, recommend stockade fence be erected. Sidewalk needs to be replaced that crosses the parking lot.

#### **Communications:**

**None**

Chairman Metz entertained a motion to adjourn the meeting. Motion was made by Richard Kegler and seconded by Paul Werner. All were in favor and the meeting adjourned at 8:53 PM.

The next regular Planning Board meeting will be held on Wednesday, July 19, 2017 at 7:30 PM.

Submitted By,

Sue Galbraith  
Secretary to the Village of Alden Planning Board