

MINUTES OF A MEETING AS HELD BY THE
TOWN OF AURORA PLANNING & CONSERVATION BOARD

October 3, 2018

Members Present: Donald Owens, Chairman
Laurie Kutina
Timothy Bailey
Jerrold Thompson
David Librock

Alternate Member: Richard Glover
Alice Brown

Absent/ Excused: Douglas Crow

Also Present: Greg Keyser, GHD
Liz Cassidy, Asst. Code Enforcement Officer

Chairman Don Owens presided over the meeting which began at 7:00 p.m. at the Town Hall, 300 Gleed Avenue, East Aurora, NY. He led the recitation of the Pledge of Allegiance to the Flag.

Jerry Thompson made a motion to accept the minutes of the September, 2018 meeting. Seconded by Dick Glover. Motion carried.

Don Owens stated he was going to change the Agenda slightly; meeting to begin with Old Business to discuss the ODA for 633 Knox Road.

NEW BUSINESS:

Referral from the Town Board for an ODA/ODA variance request for 633 Knox Road, Alexander Kruglov as owner/applicant.

Don Owens asks for public comments prior to discussion. No public comments or questions.

Mr. Kruglov presented his request for side yard setback. He explained the topography of the land doesn't allow for easy access to a house and is asking to move the house closer to the property line. He has discussed this point with his neighbors who approve of the house being closer to the property line.

Jerry Thompson asked about ODA approval vs. ZBA approval. Is this setback a matter of ZBA approval because this property already has ODA approval?

Elizabeth Cassidy indicated that original ODA was just for the split of the property. The resolution states that any further development needs to come back to ODA for approval. The new ODA code allows the Town Board to grant variances, not the Zoning Board.

Greg Keyser indicated that the standards, the lot sizes and the setbacks are not listed in the Zoning Code, which would give the ZBA the authority and power to review. Those standards are listed in the ODA section of the Subdivision code.

Jerry Thompson asks if the Planning Board job is to know where the house is positioned and decide whether or not we think it's ok?

Don Owens indicated yes, and that the Planning Board would recommend moving forward to the Town Board for approval, not to the ZBA.

Jerry Thompson has further discussion on topography of the property based on his visit to the site.

Richard Glover discusses his visit to the site and addresses questions on the construction of the road.

Further discussion by Mr. Kruglov on construction start and why he had to apply again for ODA. He is ready to start construction but had to apply for ODA approval again when he went to apply and obtain a building permit. He was not in ownership of the property during the original ODA application and approval for the 3 lots. Arbitrary house locations were placed to show possible development of the lots at the time of original ODA approval. Once he obtained ownership, the placement of the house in the original ODA approval was not possible because of the topography of the land.

Richard Glover asks when Mr. Kruglov's neighbor expects to start construction.

Mr. Kruglov refers to his neighbor, Sally Erbe.

Ms. Erbe states that they are about a month behind Mr. Kruglov in the process.

Jerry Thompson asks Ms. Erbe if she has any problems with the proposed location of Mr. Kruglov's house.

Ms. Erbe indicates that no, she does not have any problems with the side lot and proposed location of Mr. Kruglov's house.

Further discussion on setback requirements and why Mr. Kruglov can't meet the side yard setback requirements because of the slope of the property.

Jerry Thompson has no problem with the site.

Richard Glover discusses his concern with the current condition of the road. There is further discussion on the road/driveway.

Greg Keyser presents the Environmental Assessment that was completed and suggests they be attached for any additional approvals that might be needed. No further review is necessary.

Jerry Thompson makes a motion to approve the plans as requested with the reduced side yard setback, with the condition that the Town Board can review it and give their final approval. Seconded by Richard Glover.

Ayes: Seven

Noes: None

Motion approved.

OLD BUSINESS:

Referral from the Town Board for Site Plan and Special Use Permit review of a four site campground at 686 Quaker Rd, Greg Schneider as owner/applicant.

Don Owens discussed the recent site visit by the Planning Board members. During the site visit, members looked at the proposed area of RV campsites and layout, the creek that will possibly supply water to the sites, and the relationship to the adjacent properties. Several members questioned the desirability of connecting to municipal water, which is available at the property.

Jerry Thompson asks Liz Cassidy if this situation were a proposed single family home, would they be required to connect to municipal water if available?

Liz Cassidy indicated they would.

Dick Glover asks Mr. Schneider if he still intends to use the spring at the property as a water source.

Mr. Schneider indicated that is still his plan.

Dick Glover discusses the water pressure and asks Mr. Schneider how he would obtain the proper water pressure (minimum 20 psi) if he uses the Spring as a water source for the campsites. Mr. Schneider discusses his plan to use a pump. He meets all the code requirements for campground requirements for water and further discusses the requirements for non-municipal water source (treatment and annual testing). Mr. Schneider passes a photo around of the current spring. The water from the spring will be able to fill an 800 gallon tank; it will be enclosed and sealed. There is municipal water available at the street but it would be more expensive to construct the infrastructure to use that water as opposed to the cost of using the spring on his property.

Dick Glover discusses the code requirements for Mr. Schneider to submit plans to the Erie County Health Department. They will approve it before the Planning Board can approve plans.

Jerry Thompson states that our approval can be conditional upon approval from the Health Department of the spring as the water source.

Mr. Schneider asks for the specific location of the requirements in the code (State Sanitary Code).

Dick Glover states 7-3.13 subparagraph D; reads the code and requirements.

Jerry Thompson asks if that's for 5 or more campsites.

Dick Glover, no this is for campground.

Jerry Thompson asks if we have a different ruling in the Town Code. The Town doesn't have to abide by the State Sanitary code unless there are 5 campsites?

Greg Keyser states that is correct, if he has 5 or more campsites he has to comply with whatever the State standard is.

Jerry Thompson asks what the County standard for less than 5 campsites is.

Greg Keyser states that he does not know but it might refer to the state standard. The permitting official in this case is probably the Erie County Health Dept.

Jerry Thompson states that the Planning Board can still approve but conditioned upon the Health Department approving sanitary and water?

Greg Keyser states that approving the site plan tonight doesn't give Mr. Schneider the approval to go start construction, he needs to prepare the plans and specifications to seek the approval

from the Health Department for septic and water. Copies of those approvals are needed when he seeks approval from the Building Department.

Jerry Thompson discusses the next concern regarding the septic system being at least 4' higher than where the campsites are located.

Mr. Schneider states that he has a proposal ready to go from a septic engineer, part of which includes getting approval from the Health Department.

Jerry Thompson asks if there is a permitting process other than the Town approving the 4 sites, and other than the Health Department approvals.

Greg Keyser states that yes, he will need a Special Use permit.

Liz Cassidy states that the Planning Board can make that recommendation to the Town Board that the Special Use permit not be approved until there is approval from the County (for septic and water). A condition can also be added, in the recommendation to the Town Board, for an annual or bi-annual inspection by the Building Department. This would be to ensure the campsites do not multiply in number.

Jerry Thompson asks if the Health Department treats this situation differently and would follow the State requirements.

Greg Keyser states that yes, in a situation like this the County Health Department serves as an extension of the State Health Department and would implement State and County requirements.

Jerry Thompson asks if there is a non-public water source, would the County or State have an annual or periodic inspection of the water quality in their approval.

Greg Keyser states that yes they would, he has done some reading up on that today, and there are a series of tests Mr. Schneider would have to go through on an annual basis. It will be registered as a private water system.

Jerry Thompson discusses possible motion.

Greg Keyser states that the property is not within a Town water district but there is a transmission main at the road, managed and maintained by the Erie County Water Authority, if he were to have to go that route he could apply as an out of district water customer.

Jerry Thompson moved to recommend the Town Board approve the private camping grounds at 686 Quaker Rd as presented by Gregory Schneider. SBL: 175.05-1-1.2. on the condition(s) of Erie County Health Approval of Septic and Non-Public water supply. Special Use Permit will be

required and also be conditional upon annual inspection by the Building Department to ensure the number of camping sites does not exceed 4 and that the camping sites are in compliance with the Special Use permit.

Seconded by David Librock.

Upon a vote being taken:

ayes – seven

noes – none

Motion Carried.

Members and Mr. Schneider further discussed the property.

Members also discussed the Town Zoning Code and there is question/overlap re: campsites.

Dick Glover mentions Town Zoning Code sections 116.36 & 116.37 should be looked at and further discussed because of overlap and confusion.

Mr. Schneider states that his intention is seasonal camping. He also discusses his potential timeline and further discusses the possibilities and details of water sources.

CORRESPONDENCE:

Liz Cassidy talks about training opportunity that was forwarded to everyone if credits are needed. To find out if you need any credits, you would need to talk to Martha Librock. Also there is Workplace Violence Training coming up. Jen Calkins can forward the email again.

Members further discuss ODA/Knox Road ODA and the process of going back and forth between Planning and Town Boards. Also further discussion about the RV campsites being seasonal.

A motion was made by Don Owens and seconded by Jerry Thompson to adjourn at 7:57PM. Motion approved.

THE NEXT SCHEDULED MEETING WILL BE WEDNESDAY November 7, 2018 AT 7:00 P.M. AT THE TOWN HALL, 300 GLEED AVENUE, EAST AURORA, NEW YORK