

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

April 3, 2024

Members Present: Doug Crow, Chairman
Timothy Stroth
Jeanne Beiter
Angela Griffis
Chris Contento
Norm Merriman

Absent/ Excused: Laurie Kutina
Alice Brown

Also Present: Liz Cassidy, Code Enforcement Officer
Robert Neil Hopkins
Harrison Kelley
Paul Ernst
Ron Bartsch
4 members of the public

Chairman Doug Crow presided over the meeting which began at 7:02 p.m. at the Town Hall, 575 Oakwood Avenue, East Aurora, NY. He led the recitation of the Pledge of Allegiance to the Flag.

Jeanne Beiter made a motion to accept the minutes of the March 6, 2024, meeting. Seconded by Angela Griffis. Motion carried.

Administrative Business:

- A. Chairman, Doug Crow states the Town Board is still seeking an alternate for the Planning Board. Presently there are three candidates to be interviewed.

OLD BUSINESS:

Chairman, Doug Crow states there was some confusion in regards to the rezoning of 1686 and 1888 Davis Road. per surveys provided, from R1 to C2. Following the review and discussion of the Freeman survey, and establishing the actual lot lines, all members approve the Freeman survey for rezoning purposes from R1 to C2.

NEW BUSINESS:

1. A referral from the Town Board for review of an application for a SUP, for hosting events at 298 Ellicott Rd., West Falls, SBL 186.00-5-1, by Robert N. Hopkins, of RNH 298 LLC.

Robert N. Hopkins, the property owner states, since purchasing the property, he has renovated structures, trimmed trees. Originally those efforts were for family, friends, and employee picnics. After much time and investment in the property, he would like to open his property to host events such as company picnics, weddings, with attendances of approximately 100 people, or so. Keeping such events at a smaller size. He would like for the SUP to be a permanent use permit as opposed to having to apply for each individual event.

Chairman, Doug Crow states the town does have event permits for certain types of events. They may or may not fall in the realm of what you are looking to host. To avoid having to apply for individual permits you could avoid those types of events.

Chairman, Doug Crow asks Liz Cassidy what criteria triggers the Special Events permit?

Liz Cassidy states, parking for guests outside your property. Safety and impact on your neighborhood. Access for emergency vehicles, health requirements for water, and septic. Noise.

Chairman, Doug Crow opens the floor for additional questions specific to events SUP. He acknowledges the SUP request for a campground at the same address will be part of the same discussions, although would require separate votes.

2. A referral from the Town Board for review of an application for a SUP, for a campground at 298 Ellicott Rd., West Falls, SBL 186.00-5-1, by Robert N. Hopkins, of RNH 298 LLC.

Angela Griffis states when reading over information for application there is recollection from years prior the property had 88 campsites. What is the current intention for the Campground.

Mr. Hopkins states the signage has been saved as memorabilia only. When he spoke with County with his intentions he was advised against being a campground. His intentions are not to be a campground. There is a hand full of sites that have septic going to lines to tank, which needs to be pumped out. There are a couple different spots to hook up to electric as well as water spickets.

Chairman, Doug Crow ask for the location of holding tanks which is not on provided map.

Mr. Hopkins acknowledges there is at tank near the chalet, as well as by shower house and bathroom located by the old water slide.

Mr. Hopkins also states there are four entrances to the property. All of which are maintained, even in winter, for utility companies. Those entrances also are accessible for eighteen-wheel trucks, and deliveries.

Jeanne Beiter asks if the property is listed on the Hipcamp site? And do you wish to continue doing so? Also, for the events will it be available to the public to rent, and do you plan to advertise.

Mr. Hopkins states his hopes are to continue with Hipcamp, for camping sites. The event opportunity would be available to the public. There would not be any formal advertising other than word of mouth. There are presently two to three employees working at the property five days a week since the property was purchased. Thousands of dollars are spent to maintain and improve the property so it would be nice to reclaim some of the investment.

Tim Stroth asks Mr. Hopkins if the property was listed as, The Quarry?

Mr. Hopkins, states the listing was immediately closed down once he received the letter stating he needed to apply for appropriate permits.

Tim Stroth states in the proposal there is a request for 16 tent and 4 RV sites. He inquires how they are delegated.

Mr. Hopkins states they have been 1st come basis.

Tim Stroth states some concerns for access and defined locations for emergency responder. It had been an issue at Wood Springs in Marilla. How do they locate people within the property if sites are not marked.

Mr. Hopkins states the driveways all go to a common point.

Chairman, Doug Crow asks if the parking is also in that designated area?

Mr. Hopkins reconfirms and adds if an event is scheduled, all parking would be in that area by the chalet. He states his intent is to have picnic tables, and fire rings at numbered sites.

Tim Stroth states it is difficult to make a recommendation to the Town Board, without clarity in regard to camp site quantities, locations within grounds, etc

Chairman, Doug Crow agrees there needs to be a more defined plan regarding the number of sites requested, the type of events that may be happening, the times which events would end, and the quantity of people attending.

Mr. Hopkins states he is more than happy to narrow down some of the details required to be able to continue having small events and offering a small number of camp sites.

Tim Stroth asks Mr. Hopkins, if approved would the county be regulating the property, like other formal campgrounds.

Mr. Hopkins stated when talking to the county, he was told it would not be necessary if only there were a small, limited number of sites, as well as signage stating no swimming in quarry. However, it does not hinder the use of the quarry for fishing. It is not his intention to test water daily as would be required by the county for a larger quantity of campers and swimming. Much of his intentions are to remain a small-scale camp facility with a small, limited quantity of camp sites.

Angela Griffis asks if there is any consideration of the time limits for events.

Mr. Hopkins would set a time limit for an event to end. Taking into consideration the noise and possible music in consideration to the surrounding neighborhood. As well as other people who may be camping at one of the sites.

Chairman, Doug Crow request any additional questions from Board members?

Norm Merriman asks if all water spigots are connected to a common source that goes to Erie County water, as opposed to a well.

Mr. Hopkins confirms.

Norm Merriman asks what the highest number of sites are we requested.

Mr. Hopkins states twenty or less. He has purchased twenty picnic tables and twenty fire rings. Although he feels that there would not be that number of campers at any one time. He is just offering the option of sites available for use. He also states he has followed Erie County regulations regarding hooking up the water properly.

Chairman, Doug Crow outlines the process of meetings for Mr. Hopkins. He reminds Mr. Hopkins that this meeting is to understand the intentions of the applicant. Then make the recommendations to the Town Board. He also reiterates that the county will only allow four RV campers, and the remaining sixteen would be basic sites.

Chris Contento brings up the subject of Hipcamp app, and it's purpose.

Mr. Hopkins acknowledges using the Hipcamp application because it is a simplified way for campers to reserve sites. Using the application also provides insurance coverage. It provides camper information, as well as reservation details. The cost of rental is \$35 a night. The camp site provider gets \$31.50. It simplifies the process for the property owner that wishes to offer camping on a small scale of operation.

Chairman, Doug Crow ask for thoughts on the application from board members. It would be necessary to have stipulations outlined for recommendations. Such as, sanitation, impact on neighbors, safety egress. If in favor of the event center, the board would have to decide what types of limitations would be imposed. Also the same for the campground application.

Mr. Hopkins asks if stipulation would be relevant for when he has an employee events

Chairman, Doug Crow clarifies that it would not be due to the fact it is a personal use event by the property owner. When you are charging for it, it is a business.

Liz Cassidy agrees to that information outlined by Chairman, Doug Crow.

Chairman, Doug Crow suggests regarding the event SUP a limit of five hundred people, ending no later than 11 p.m.

Jeanne Beiter makes a motion that the Planning Board make a recommendation to the Town Board to approve the application for the SUP for hosting events at 298 Ellicott Road, in West Falls. There is to be no more than 500 guests and event to end by 11 p.m.

Chairman, Doug Crow seconds the motion.

A vote is taken.

6-Ayes noes-0 in favor of approval. Motion carried.

Chairman, Doug Crow asks a motion for the campground SUP application.

Chairman, Doug Crow makes a motion the Planning Board make a recommendation to

the Town Board to approve the application for the SUP for campground facility at 298 Ellicott Rd., West Falls. It would have restrictions that comply with Erie County Health Department requirements. It is also to limit the maximum number of sites to twenty. Four of which would designated to RV use. The remaining 16 sites would be for basic camp sites.

Angela Griffis seconds the motion.

A vote is taken.

6-Ayes noes-0 in favor of approval. Motion carried.

3. A referral from the Town Board for review of an application for a SUP, for an Automotive service and repair shop at 420 Olean Road, East Aurora, SBL 176.13-2-2, by Ron Bartsch.

Chairman, Doug Crow welcomes Mr. Bartsch and asks him what he looking to do with the property at 420 Olean Road.

Ron Bartsch states he is in the process of purchasing the property at 420 Olean Road. formerly Shanely Collision. He is hoping to open a repair shop, as well as his already established, Rust Away, business. He will continue to rent the lot to the current business, Aurora Sales.

Chairman, Doug Crow opens the floor to the Planning Board for questions.

Norm Merriman asks to have the south driveway condition remedied.

Liz Cassidy states the area of concern is in the right of way. It cannot be altered by the property owner.

Chris Contento asks if there is any restriction to the quantity of vehicles on the lot.

Liz Cassidy responds. No there is not. **Correction ZBA case 861, 1/17/1002 granted amending a use permit to approval for 12 vehicles on the used car lot.*

Norm Merriman reviews the concern that when we have excessive amounts of rain, it pools in that area.

Chairman, Doug Crow suggests that as the owner of the property, Mr. Bartsch might have more leverage with the state to remedy the concern.

Ron Bartsch states in regard to the number of vehicles on the sales lot. Although there are approximately fourteen spots, he would most likely only have three or four there at any one time. This location would be used more as an overflow for Maple Road. His primary intent is to operate his "Rust Away" business at this location.

Tim Stroth brings up concerns of the vehicles that are repaired and not picked up in a reasonable amount of time.

Ron Bartsch states he is committed to keeping the lot clean. He does not hesitate to have vehicles removed that are left.

However, many of his customers tend to wait while their service is being performed. Most of the repairs are considered light duty.

Chairman, Doug Crow asks for any further questions. Is anyone prepared to make a motion?

Angela Griffis makes a motion that the Planning Board makes a recommendation to the Town Board to approve the application for an automotive service facility at 420 Olean Road, as proposed.

Chris Contento seconds the motion.

A vote is taken.

6-Ayes noes-0 in favor of approval. Motion carried.

4. A referral from the Town Board for a review of the SUP, for a golf facility at 600 Olean Road, East Aurora, SBL 176.00-4-25.1, by Harrison Kelley.

Chairman, Doug Crow reconfirms that the property at 600 Olean Road has been rezoned. We are now ready to move on to the next phase of this project, which is the review of the SUP and site plan for 600 Olean Road. He asks Mr. Kelley to walk through what he is presently looking for approval for.

Harrison Kelley states as noted on the plan illustration, a slight modification is necessary to the facility itself. They were unaware that the sewer system does not go that far on Olean Road. Therefore, it will be necessary to install a septic system. We will need to move the facility from the northern third portion of the property to the middle third of the property. This will remove phase three, the driving range, from the property. The outdoor miniature golf, which is phase two, will not change. It is not a part of the present proposal.

Chairman, Doug Crow asks if the current proposal of a 20,000 square foot building is to include some indoor miniature golf.

Harrison Kelley confirms it will. It will have indoor miniature golf as well as golf simulators. That can be used for leagues, parties, etc. The miniature golf is more of a miniature putting green. Not to be confused with putt putt golf.

Paul Ernst of, Fontanese Folts Aubrecht Ernst Architects, introduces himself.

Chairman, Doug Crow reviews the process of designing the location, what you're going to have in it, and the intention of how it is going to look.

Paul Ernst states it is a proposed family event center. A barn type structure with an interior timber type appearance.

Angela Griffis inquires about the parking area.

Harrison Kelley states they are presently showing seventy-seven spaces. With the minimum of sixty-seven which is the code requirement.

Jeanne Beiter asked to reconfirm the phases of the proposed project. Phase one is the barn structure, restaurant/bar, golf simulator, indoor mini golf, the parking, and septic leach field. Phase two is the outdoor mini golf.

Harrison Kelley confirms. The miniature golf will have rural feel with lots of water features. The plan for the indoor facility is to be open from 7 a.m. to 11 p.m. Although the outdoor hole locations are not confirmed, there will be lighting, with much of the intention is to have lower-level lighting. Also, to respectfully to put up something to act as a barrier keeping with nature of the project, and maintaining a rural setting.

Norm Merriman asks about the availability of food and drink for teams and leagues.

Harrison Kelley states it will be available only to participating guests. It is a space that would be leased to a vendor that specializes in food delivery. They would also provide the liquor license.

Chairman, Doug Crow reference other facilities in this area. West Herr and ROC, which the Town Board approved one of the applications. Followed by a working group to include two of the Town Board members to work with the owner designing final details. He suggests that the Town Board seemed to have an appetite for this type of arrangement. He asks for additional questions or discussions.

Tim Stroth requests more detailed information regarding the SUP and Site Plan approval options.

Chairman, Doug Crow states considering the possibility of approving one of the two now. The other one, they hold off approval until after they have some working group meetings with Harrison, the architects and maybe some neighbors, to pinpoint final detail.

Angela Griffis states she has no problem with recommending the SUP.

Chairman, Doug Crow states the Town Board preferred to approval the SUP first, followed by the Site Plan. That is due to the type of items such as trees, lighting, and fencing that are part of the final detail design.

Tim Stroth states he is trying to understand what the working group is going to accomplish. States we should be encouraging new development and not create hurdles that would discourage future development. Particularly with the effort that have been to change our codes for commercial development and update of the zoning map. He stated he would like to approve both, the SUP and Site Plan together.

Chris Contento is in agreement with Tim Stroth.

Multiple people talking.

Harrison Kelley is in hopes to get approval for both SUP and Site Plan, for phase one and two. To not prolong the process so construction can begin. He hopes to get to point of interior work being done through winter months.

Chairman, Doug Crow asks for a motion for the SUP

Tim Stroth comes forward and reads the detailed definition of a Site Plan Review as outlined in the Town of Aurora code book. It is a conceptual plan, but not a final design.

Liz Cassidy confirms.

Chairman, Doug Crow asks for a motion for the requested SUP.

Angela Griffis makes a motion to recommend to the Town Board to approve the SUP for EA Golf Barn at 600 Olean Road, with the restriction of being open no later than 11 p.m.

Jeanne Beiter second the motion.

Chairman, Doug Crows wishes to amend the motion to include with no working group needed.

A vote is taken.

6-eyes, 0-noes. Motion carried.

Chairman, Doug Crow, asks for a motion for the Site Plan.

Tim Stroth makes a motion to recommend to the Town Board to approve the Site Plan for the EA Golf Barn at 600 Olean Road as it meets the Site Plan Code.

To not include the use of a focus group to examine further prior approval. This to include phase one and phase two of the site plan.

Chairman, Doug Crow seconds the motion.

A vote is taken.

6- ayes, 0 noes. Motion carried.

5. Discussions regarding to new fees related to annual inspections

Chairman, Doug Crow brings up the topic of inspection fees for yearly inspections. Tim Stroth and himself have been participating in a working group with the Town and Zoning Board members for various code changes. During some of the discussion, it was noted that they are moving away from present processes and moving to SUP. SUP do allow for required annual inspection to make sure things meet fire codes. That comes with a cost to the town of doing those annual inspections. One of the Town Board member suggest we discuss the thoughts of charging for those on inspections.

Liz Cassidy states that all commercial businesses in the village or town, require an inspection once in a three-year cycle. Every place of assembly requires a yearly inspection. She confirms we do not charge currently.

Multiple people talking regarding other town processes and charges. The time an inspection take to perform. How fees are calculated. Does the fees collected offset the cost of additional department cost to do inspections and administrative time to collect and account for the monies. Also the time spent on the enforcement.

Chairman, Doug Crow revisits prior thought to encouraging new businesses and not nickel and dime them. It may not be business friendly.

Chris Contento feels all it would do is create more work without the benefit of being worth the additional time and efforts.

Chairman, Doug Crow states we don't necessarily need a motion unless we are ready to recommend something. We will just put in record that the topic was discussed. Topic for the next meeting.

Public Comments:

Rod Simeone states the initial intent for inspection fees during prior discussions was pertaining to BNB properties. Once they are given approval for the operation of the BNB There would be a yearly inspection with a fee for the continuation of the permit. A renewal Fee. It would help regulate that the BNB properties maintain the outlined specifications of their original application approval.

Chairman, Doug Crow recommends we table this subject until a later time.

Randy West, Village Planning Commission chair, introduces himself. He is happy to see the different topics handled by the Town Planning Board. Short term rentals, various types of housing to suit multiple needs of residents.

Chairman, Doug Crow thanks Mr. West for attending and sharing his desire that the Village and Town work together for the good of the entire community.

Chairman, Doug Crow ask for any other discussions or questions. With no response, he asks for a motion to adjourn.

Tim Stroth makes a motion to adjourn.

Norm Merriman seconds the motion.

Chairman, Doug Crow takes a vote. All in favor unanimous. Meeting adjourned at 9:45 p.m.

THE NEXT SCHEDULED MEETING WILL BE WEDNESDAY MAY 1 , 2024, AT 7:00 P.M. AT THE TOWN HALL, 575 OAKWOOD AVENUE, EAST AURORA, NEW YORK