Village of Aurora Planning Board

July 26, 2017 Minutes

Held in the Firehouse Meeting Room

Present: Frank Zimdahl, Acting Chair; Patricia Bianconi, Michele Murphy,

 Pat Foser and Pam Sheridan.

Also Present: Deborah Brooks, Deputy Village Clerk, Thomas Blair, Village Attorney,

 J. Patrick Doyle, Code Enforcement Officer, Laura Holland, Chaim Jaffe, Holland’s Attorney, Jay O’Hearn, CJ Koepp, Grace Bates & Mark Ferrari

 Acting Chairman Zimdahl opened the meeting at 7:00 PM asking for approval of the June 28, 2017 Minutes. Ms. Foser moved to accept the June 28, 2017 Minutes. Ms. Murphy seconded the motion. Motion Carried 5:0.

 Announcements – none

 Changes to the agenda: none

 Old Business – none

New Business:

 **Application # 17-27 from Cynthia Koepp for a dock located at 327 Main Street. (Tax Map # 181.16-1-26).**

On motion by Ms. Bianconi, seconded by Ms. Foser, the Planning Board voted to deem Application #17-27 complete.

AYES: Bianconi, Foser, Murphy, Sheradin, and Zimdahl

NAYS: None

Motion carried unanimously.

On motion by Ms. Foser, seconded by Ms. Sheradin, the Planning Board voted to deem this application a Type II action and need no further review under SEQRA.

AYES: Bianconi, Foser, Murphy, Sheradin, and Zimdahl

NAYS: None

Motion carried unanimously.

Site Plan Review criteria was examined by the Board:

Dock up to 100’ long x 8’ wide. Mr. Zimdahl asked if the 8’x 12’ deck extension to the south is still a part of the plans. Ms. Koepp said yes the only change has been the removal of the stairs to the water. Ms. Bianconi asked Mr. Doyle if the plans met the Zoning Law regulations. He answered yes.

Mr. Jaffe, representing Suzanne Holland, presented her concerns to the Board. He stated that his client clearly is aware of the applicant’s rights under the court decision from Judge Mordue to have ingress and egress to the dock by crossing the Holland’s Railroad Bed. He further noted that the applicant’s right-of-way is from the seawall by using stairs or a ramp but not both. Mr. Jaffe noted that Judge Mordue allowed the applicant to choose the exact placement of the right-of-way thus easement granted met the codes.

Ms. Foser asked Attorney Jaffe if the easement the judge ruled on meets the codes for setbacks. Attorney Blair noted that the judge can rule to best fit the situation.

Mr. Jaffe continued with the most recent decision by Army Corp that the platform built by Koepp/Place had to be removed but did not return the area to its natural configuration.

He noted that the outcropping of rocks now occupied by a kayak rack and chairs by the applicant. He further added that Suzanne Holland does not wish to have her property disrupted with unsightly piping or digging especially if Ms. Koepp’s contractor found the area to be too rocky to install their posts for the dock/ramp or stairs.

Mr. Jaffe asked the Planning Board if they knew whether the dock was to be temporary or permanent. Mr. Zimdahl said they did not know from the application and redirected the question to Ms. Koepp. Ms. Koepp stated the dock would be a permanent structure.

Mr. Jaffe, using the current dock design, pointed out to the Board & Ms. Koepp that the Holland’s were willing to place gravel at a slope from their Railroad Bed property to cover the rock outcropping to the top of the Seawall. This would allow for a smoother transition and then the applicant could possibly amend her application so they could walk off the area onto lesser steps right onto their dock.

Because of this information, Attorney Blair noted to the Planning Board that they could vote tonight on what was in front of them or table it for the 45 days as allowed in the Zoning Law or suspend the application to allow this work to be completed then reconvene next month on a changed application or the current application. Acting Chair Zimdahl asked Ms. Koepp is she was willing to suspend her application for this work to be done and reconvene on August 23 at the next monthly meeting. Ms. Koepp asked the Board to do a vote tonight as she could see no possible settlement with the Holland family.

Ms. Foser asked Ms. Koepp why she wouldn’t want to have the Holland’s do the gravel to see how it might benefit her in placing her dock. Ms. Holland noted that due to the various elevations to this property there is a considerable drop from the Railroad Bed edge over the existing rock outcropping to the top of the Seawall and then another drop to the lake floor. She added that her family had already spent much time and funding on removing many boulders, but did not wish to disturb the area further so as not to destabilize the foundation of the Railroad Bed. She explained that adding the gravel might help cover the rock outcropping so the access from the seawall might be better. The Planning Board granted Ms. Koepp a five-minute recess to review this information: 7:45 PM.

Reconvened at 7:48 PM, Ms. Koepp decided to suspend her application for one week so as to have the gravel installed then go from there with whatever changes might be necessary to her application. Ms. Bianconi asked if Ms. Koepp was willing to meet again in August? Ms. Koepp - yes.

Mr. Jaffe noted that one week was not enough time to hire a contractor and to do this work. Mr. Zimdahl agreed with him. Acting Chair Zimdahl noted that as long as they would be meeting on August 23, 2017 for their monthly meeting, the Holland family should be able to do this work within 3 weeks allowing for Ms. Koepp to determine what she needed to do with her application working with the Code Officer.

Attorney Blair requested that all parties agreed that the Hollands will have finished the gravel work by August 15th allowing for Ms. Koepp to submit a revised application to the Code Officer by August 16, 2017 or to proceed with the current design, thus allowing plenty of time for the Planning Board to review the application prior to the 8/23/17 meeting. All parties present agreed to this stipulation.

On motion by Ms. Bianconi, seconded by Ms. Foser, the Planning Board voted to suspend application #17-23 until the next regular meeting of the Board to be held on August 23, 2017.

AYES: Bianconi, Foser, Murphy, Sheradin, and Zimdahl

NAYS: None

Motion carried unanimously. (Koepp, Holland, Jaffe & O’Hearn left at 8 PM)

 **Application # 17-33 from Grace Bates for two accessory structures located at 78 Court Street (Tax Map #182.09-1-16).**

On motion by Ms. Bianconi, seconded by Ms. Murphy, the Planning Board voted to deem Application #17-33 complete.

AYES: Bianconi, Foser, Murphy, Sheradin, and Zimdahl

NAYS: None

Motion carried unanimously.

On motion by Ms. Sheradin, seconded by Ms. Murphy, the Planning Board voted to deem this application a Type II action and needs no further review under SEQRA.

AYES: Bianconi, Foser, Murphy, Sheradin, and Zimdahl

NAYS: None

Motion carried unanimously.

The Planning Board reviewed the site plan checklist with respect to the application.

Acting Chair Zimdahl noted that the site plan meets setbacks & height requirements. (Blair left 8:04 PM). Ms. Bianconi asked if there would be electric or water or bathrooms to these structures. Mr. Ferrari noted that there would be a half bath in the studio and no bath in the garage. Mr. Zimdahl asked if there were any intentions to make this studio a rental or apartment. Ms. Bates answered no. Ms. Bates noted that a cistern was to be used to water the gardens with the excess to go to the storm drains.

Ms. Bianconi asked if there would be outside lighting, as there was none listed on plans. Mr. Ferrari assumed so and was asked to fill them in the plans to show where they will be located. Ms. Bianconi asked them to make sure the lights point away from the neighbors.

Ms. Foser asked how the studio would be heated. Mr. Ferrari said they have installed a steam heating system in the house which will be extended to the studio.

Ms. Murphy asked if the current fencing would be removed or altered. Ms. Bates said they would remain as they are.

Ms. Bianconi asked if they will have an extra water meter. Ms. Bates said that the water would be directed from the house meter to the studio. Mr. Zimdahl asked if there would be additional electric meters. No extra electric meter to be installed.

Mr. Zimdahl asked there would be any signs or commercial sales from the studio. Ms. Bates answered no to both.

Mr. Zimdahl questioned when the landscaping work would be completed as a completion date was not provided on the application. Ms. Murphy noted that the current project has not been completed and it has been three years since she started. Ms. Bates noted that she had not done any landscaping in the areas of the new proposal as she did not wish to add to the cost of the projects.

Mr. Zimdahl asked for a completion schedule for application #17-33. Mr. Ferrari informed the Board that the garage would be built in the Fall of 2017 and the stone studio/wall next Spring, so he should be done landscaping by September 2018. Mr. Doyle reminder the Board that a permit runs for one year with the ability to renew if needed. Mr. Ferrari noted on application #17-33 the completion date of September 2018.

The Planning Board reviewed the Special Use Criteria Chart. On motion by Ms. Bianconi, seconded by Ms. Foser, the Planning Board voted to grant a Special Use Permit for Excavation for application #17-33.

AYES: Bianconi, Foser, Murphy, Sheradin, and Zimdahl

NAYS: None

Motion carried unanimously.

**PB Resolution #17-09: Site Plan Review for Two Accessory Structures and Special Use Permit for Excavation at 78 Court Street, Aurora,**

**Tax Map Parcel No. 182.09-1-16, for application #17-33 from Grace Bates**

**WHEREAS:** The Village of Aurora Planning Board (Planning Board) deemed Application #17-33 from Grace Bates to be complete, at their July 26, 2017 meeting; and

**WHEREAS:** The Planning Board, on July 26, 2017, determined that the proposed action is a Type II action requiring no further review per the New York State Environmental Quality Review Act (SEQR); and

**WHEREAS:** A Special Use Permit is required for the excavation of more than twenty-five (25) cubic yards of earth fill; and

**WHEREAS:** The Planning Board held a meeting to review Application # 17-33 on July 26, 2017;

**NOW THEREFORE BE IT RESOLVED:** that the Planning Board approves Application 17-33 and a Special Use Permit for Excavation on July 26, 2017, subject to the following condition:

Receipt of a Certificate of Appropriateness from the Village of Aurora Community Preservation Panel.

FIRST: Bianconi

SECOND: Foser

AYES: Bianconi, Foser, Murphy, Sheradin, and Zimdahl

NAYS: None

Carried unanimously

Ms. Bianconi asked what their hours of construction would be and days worked. Mr. Ferrari said Monday through Saturday from 7:30 AM – 6:00 PM.

 Next Meeting will be Wednesday, August 23**,** 2017 at 7:00 PM.

 Ms. Murphy moved adjournment at 8:30 PM. Seconded by Mr. Zimdahl. Motion carried 5:0.

Respectfully submitted,

Deborah M. Brooks

Deputy Village Clerk