

TOWN OF AURORA

575 OAKWOOD AVENUE, EAST AURORA, NY 14052

BUILDING DEPARTMENT

(716) 652-7591

MEMO

TO: Chairman Crow and Town Planning & Conservation Board Members

FROM: Elizabeth Cassidy, Code Enforcement Officer

DATE: April 30, 2026

This memo supersedes the one I issued on February 20, 2026 to the Town Supervisor and Town Board.

The Site Plan and SUP applications request approval to operate a campground and construct seasonal cottages, treehouses, a lodge and convert the existing residences to sleeping quarters and an administration building. Town Codes Section 116-8.5B(1) allows a camp to be used by the general public through the approval of a SUP. Additionally, customary accessory uses are permitted by Town Code section 116-8.5A(5). The Town Code definition of accessory in 116-4 states: “use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

At the Town Board meeting on March 17, 2026, the Board referred the Site Plan and Special Use Permit applications for 1196 Big Tree Rd (East Main mailing address) back to the Planning Board for further consideration and recommendation. At the Planning Board Chair’s request, I sent an email to the applicant’s attorney on March 24, 2026 for the following documentation prior to the next meeting:

- A site plan showing the 300’ RR/A demarcation for the full width of the property, as measured from the right-of-way
- Interior layout of converted residential structures
- Revised Traffic Study updated for campground and accessory uses
- Written description of accessory uses for lodge and spa, or the owner must attend to discuss the intended uses.

Attached is additional documentation for these applications as submitted by Peter Sorgi, Esq, as agent for applicant/property owner Carner Development Group Inc. The revised traffic study for the current proposal is underway and should be available to the Board prior to the meeting.

A list of the proposed “customary accessory uses” for the lodge and spa hasn’t been submitted, so a full discussion of these uses and a determination on whether or not the uses are accessory is not final. It is my understanding that the applicant/owner will attend the May meeting to discuss

the proposed accessory uses.

A previous point of discussion is the zoning district of the main house. Town Code does not allow a camp in the Rural Residential (RR) District. Mr. Sorgi has provided a Site Plan Concept drawing (C-100 dated 4/28/26) with the 300' demarcation line noted on it. There is no indication of where the RR line is measured from on C-100. The note on the Town Zoning Map states: "The Rural Residential District extends from the right-of-way along designated roadways for a distance of 300 feet." My office has always interpreted this to mean that the RR District is measured 300' from the right-of-way (ROW) at the front of a property. Using a scale ruler, the identified RR District demarcation on the east side lot line is approximately 280' from the ROW and on the west side lot line is approximately 235' from the ROW. As a result, I disagree with the identified RR/A District boundary, as scaling 300' from the ROW shows the boundary through the middle of the athletic court and main building, and puts the pool fully in the RR District. If the applicant disagrees with this determination, then an interpretation through the Zoning Board of Appeals is available.

Since the main house is divided by the RR/A District boundary as I have determined, the portion of the house in the RR District can not be used for sleeping quarters for a campground.

The definition of campground in Town Code section 116-4 states "a parcel of land used or intended to be used, let or rented for occupancy by or of two or more recreational vehicles, tents or other recreational or temporary shelter or sleeping quarters of any kind." There has been much discussion as to whether or not the proposed sleeping quarters in the existing residences are considered a campground. The Town Code does not define sleeping quarters. The Town Attorney has confirmed that where a Town regulation is vague, the code interpretation must be in favor of the property owner. There is case law that supports this. As such, the vague campground phrase of "sleeping quarters of any kind" would apply to the proposed sleeping quarters in the existing residences, regardless of the intent of the regulation.

Both applications are Unlisted actions for purposes of SEQRA.

Please contact me if you have any questions.

liz