

MINUTES OF A HEARING AS HELD BY THE  
ZONING BOARD OF APPEALS OF THE  
TOWN OF AURORA

April 20, 2023

**CASE #1431-Bammell Architects PC a/a/f 4050 Seneca Street LLC**  
**355 Davis Road, East Aurora, NY**

The hearing was called to order by the Chairman Paul Ernst with the following Board members present:

Nancy Burkhardt  
Rod Simeone  
Ray Wrazen, Alternate

Excused:                   Davis Heussler  
                                  Mandy Carl

The notice of the public hearing was read by the Deputy Town Clerk. The notice was duly published in the East Aurora Advertiser as evidenced by the Affidavit of Publication, marked as exhibit 1. The Affidavit of Posting was marked as exhibit 2. The ZBA Application was marked as exhibit 3. The Building Departments letter of determination was marked as exhibit 4. ECDP Form and Response was marked as exhibit 5. The Short Environmental Assessment Form was marked as exhibit 6. The Copy of the Survey was marked as exhibit 7. The Copy of the Site Plan was marked as exhibit 8. The List of abutting Property Owners was marked as exhibit 9. A Letter of No Objection was marked as exhibit 10.

The Chairman opened the hearing with the Pledge of Allegiance to the Flag and stated the purpose and procedure of the hearing. Following the hearing a meeting would be held to render a decision for a side yard setback variance for an attached garage at 355 Davis Road, East Aurora, NY.

Montemage     Jacquelyn Montemage from Bammell Architects, 6264 Quaker Rd. Orchard Park. The owner would like to construct an eight-foot breezeway to a single car garage that would be about 14 feet in width. This would encroach on the side are setback requirement of 20 feet and we would end up 5 feet from the property line so we are requesting a 15 foot variance. We also have a letter from the adjacent property to the north that would be primarily affected, and they were not opposed to it.

Ernst            It is very wide open that it is a little deceiving. The big tree is staying there, is that correct?

Montemage     Yes.

Ernst            So you are planning on doing brick on the garage?

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Montemage I believe we are planning on doing brick. I don't think the elevation is correct looking at the floor plan. I think we are going to carry the brick across the front and the sides and back will be sided.

Ernst Is it going to be dropped a little bit because of the grade or is it still going to be the same level.

Montemage I think grade falls off a little bit so the breezeway will step down to the same level as the garage.

Wrazen You will need a 15' variance is there any thought of moving that over? What would be the issue of doing something like that?

Montemage I think the issue is the house is tiny and it will be an extra space for the house.

Wrazen You are still going to have stairs, correct?

Montemage Correct the stairs will come down into that breezeway area.

Wrazen What would the issue be if it were detached?

Montemage I don't know if that was ever explored. I think even if we did that, like set it back behind the house a little bit, I think it would still encroach on that side of the yard.

Simeone Are you going to add fill or are you going to dig down for the foundation for the garage?

Montemage What do you mean?

Simeone It shows that it drops off.

Montemage At this point we are planning to build it around the grade.

Simeone The floor of the garage will be cement? So, there will be some digging required.

Montemage Yes some digging to excavate for the footings and then whatever we need to get our 6 inches of fill.

Simeone The back of the breezeway will be enclosed so it will be a fully enclosed breezeway. The only alternative that I saw would be to bring it up front and that would mean a front yard setback and all things considered going to the side is more pleasing. The other thing is if he were to attach it right to the house with 14 feet you would still need a front yard setback. It seems like a good compromise.

Burkhardt Is it septic out there and where is the septic in relation?

Montemage I do not know the answer to that question. A coworker did that research, but it's behind the house.

Ernst Will there be power there?

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Montemage Yes, probably just the lighting.

Simeone The only thing I can think of is that huge mature tree is on the other persons property so proceed with caution that it isn't damaged.

Ernst Is there anyone else that would like to speak on this matter? (No Response). The hearing is closed.

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Discussion:

Ernst            If it were me I would want that nice breezeway to go into the house.

Simeone        They took the best alternative available.

Ernst            It is a beautiful site.

Wrazen         I agree it is the best solution.

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After due deliberation by the members of the Zoning Board of Appeals of the Town of Aurora, County of Erie and State of New York, the following motion was made by Nancy Burkhardt and seconded by Rod Simeone to grant a side yard setback variance of 15 feet to build an attached garage at 355 Davis Road, East Aurora, NY, in accordance with the exhibits and testimony presented.

Upon a vote being taken:

Ernst	Aye
Simeone	Aye
Burkhardt	Aye
Wrazen	Aye

Upon a vote being taken:      Ayes-Four      Noes-None      Motion carried.

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**EXHIBITS**

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- |            |  |
|------------|--|
| Exhibit 1  | Affidavit of Publication                     |
| Exhibit 2  | Affidavit of Posting                         |
| Exhibit 3  | ZBA Application                              |
| Exhibit 4  | Building Departments Letter of Determination |
| Exhibit5   | ECDP Form and Response                       |
| Exhibit 6  | Short Environmental Assessment Form          |
| Exhibit 7  | Copy of Survey                               |
| Exhibit 8  | Copy of the Site Plan                        |
| Exhibit 9  | List of Abutting Property Owners             |
| Exhibit 10 | Letter of No Objection                       |