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jbach@townofaurora.com



TOWN CLERK
Martha L. Librock
(716) 652-3280
townclerk@townofaurora.com

TOWN OF AURORA
Southside Municipal Center
300 Glead Avenue, East Aurora, NY 14052
www.townofaurora.com

To: Aurora Planning Board

From: Martha Librock, Town Clerk

Date: October 25, 2018

Re: Open Development Area/Variance referral

At their October 22, 2018 meeting, the Aurora Town Board voted unanimously to forward the Open Development Area application (ODA) and ODA variance request from Sally and Richard Erbe for 643 Knox Road to the Planning Board for review and recommendation(s). Please add this item to the November 7, 2018 Planning Board agenda.

WS-3/6A

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300 Gleed Avenue, East Aurora, NY 14052
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To: Aurora Town Board

From: Martha Libroek, Town Clerk

Date: October 16, 2018

Re: ODA and ODA Variance – 643 Knox Road

Attached are the ODA and ODA variance applications from Sally and Richard Erbe for 643 Knox Road. The initial ODA application to split a large 41-acre parcel into three lots was approved in 2016.

The applicants wish to construct their single family home at 643 Knox. The site where the house will be located needs several variances due to the topography of the land. They plan to situate the house 188 feet from the front lot line and 60 feet from the driveway side lot line. 200 feet front yard setback is required for an ODA lot, therefore a 12-foot front yard setback variance is needed and 75 feet is required from the driveway side lot line, therefore a 15-foot side yard setback variance is required.



TOWN OF AURORA
OPEN DEVELOPMENT AREA APPLICATION

To Be Completed By Applicant

PETITIONER: Name: Sally and Richard Erbe
Address: 45 Middlebury Rd
Orchard Park NY 14127
State Zip

Phone:
E-Mail:

PROPERTY OWNER (if different from petitioner):

Name:
Address: Ph. No.

PROJECT ADDRESS: 643 Knox Road 164.00 - 2 - 6.21
No. Street SBL No.

PROJECT DESCRIPTION: Single family residence

Signature of Applicant: Sally Erbe

State of New York)SS:
County of Erie)

On the 20 day of August, in the year 2018, before me, the undersigned, a notary public in and for said state, personally appeared SALLY J ERBE personally known to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and they by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which, the individual(s) acted, executed the instrument.

Matthew L. Zullo
Notary Public

OFFICE USE ONLY:
File #: Number of Lots Total Acreage Zoning
Open Development Area Review Application Fee \$
Materials Received by
Town Clerk & Fee Paid
Accepted by Date

TOWN OF AURORA 5 SOUTH GROVE STREET, EAST AURORA, NY 14052
(716) 652-3280 FAX (716)652-3507 www.townofaurora.com



OPEN DEVELOPMENT AREA VARIANCE APPLICATION FORM

Town of Aurora
300 Glead Avenue
East Aurora, New York 14052

I. TYPE OF REQUEST

AREA VARIANCE RESIDENTIAL SPRINKLER SYSTEM VARIANCE

II. APPLICANT/PETITIONER

Applicant's Name Sally and Richard Erbe
Address 45 Middlebury Rd
City Orchard Park State NY ZIP 14127
Phone 716 Fax _____ Email E
Interest in _____ owner/purchaser/developer) own

III. PROPERTY OWNER INFORMATION (If different from applicant information.)

Property Owner(s) Name(s) _____
Address _____
City _____ State _____ ZIP _____
Phone _____ Fax _____ Email _____

III. PROPERTY INFORMATION

Property Address 643 Knox Rd. East Aurora, NY 14052
SBL# 164.00-2-6.21
Property size in acres 10.2 Property Frontage in feet 536.38
Zoning District A Surrounding Zoning A
Current Use of Property Vacant

IV. REQUEST DETAIL

- Has an Open Development Area permit previously been issued for this property? **Y/N**
- If yes, when? _____

V. SIGNATURES (This application must be signed by the applicant/petitioner. If the applicant is not the owner of the property, a separate owner authorization form must be submitted – see pg. 5)

Sally J. Erbe
Signature of Applicant/Petitioner

Sally J. Erbe
Print name of Applicant/Petitioner

State of New York; County of Erie

On the 20th day of AUGUST in the year 2018 before me, the above individual appeared, personally known to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same for the purposes therein stated.

Matthew L. Zella
Notary Public

(Notary stamp)

Office Use Only: Date received: _____ Receipt #: _____

Application reviewed by: _____

ECDP ZR-1 form sent to EC: _____ Hearing publication date: _____

PREVIOUS APPEAL(S):

A previous appeal to the Town Board and/or Zoning Board of Appeals () has () has not been made with respect to this property.

Previous appeals:

Date: _____ Type of Appeal: _____ Granted _____ Denied _____

Date: _____ Type of Appeal: _____ Granted _____ Denied _____

PETITIONER'S LETTER OF INTENT

Please describe in detail the proposed project, reason the variance is being requested and any additional information that may be helpful to the Town Board in deciding this appeal: (attach additional pages if needed)

see attached

We are seeking a variance to construct our home one foot from the measured Right of Way (ROW) from the private drive cul de sac. The topography and character of the 10.2 acres, mostly dense woods and steep slopes to Cazenovia Creek, are extremely appealing but provide several challenges for building. In order to maintain the secluded and natural character of this heavily wooded property, we intend to build the house in the only clearing on our property. This area includes a section of the 20 foot wide, private drive and the turnaround which provides a 28 foot turning radius for emergency vehicles. In addition, the measured ROW is 50 feet wide along the driveway and the the cul de sac has a 65 foot radius, which consume a large area of the clearing on our property.

In order to maximize the space for the house without encountering the steep slope, we need to be extremely close to the measured ROW of the cul de sac. The small building envelope of the house is diminished by added fill towards the slopes of the clearing. Building in the area that we propose allows us to acquire good soil bearing material. This distance is 31 feet from the private driveway turnaround. Our property is the last house on the private driveway and the impact on others is limited. The construction of the house in this location will not impact the easement for utilities, drainage, nor will it affect the ability of emergency vehicles to maneuver on the driveway.

We are also requesting that, in order to reach unexcavated soil, the eastern side lot distance be 61 feet from the front corner of the garage. The rear corner of the garage is 77 feet from this property line. Again, we are limited by the slopes of the property as well as the bearing capacity of the soil. These considerations allow us to have the proper grades relative to the private drive and afford us the proper structural bearing capacity of the soil.



EAST CORNER
LANDS DEEDED
DRIAN L. DODGE
S, P. 478

FOUND REBAR
3.83' N
1.63' W

N 88°51'02" W
222.95'

N 88°51'02" W
313.43'

NORTH LINE OF LOT 47
12" DRAINAGE PIPE

EAST LINE OF L-2023, P. 478
S 23°13'58" W
400.00'

FENCE
4.5' E

FOUND REBAR
3.42' N
10.85' E

VACANT
10.21± ACRES

PROPOSED
HOUSE
(SEE HOUSE
DETAIL)

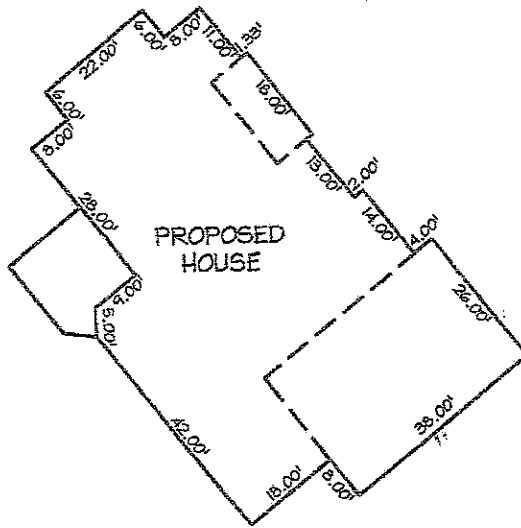
20
AR

TOP OF
BANK

TOP OF HIGH BANK

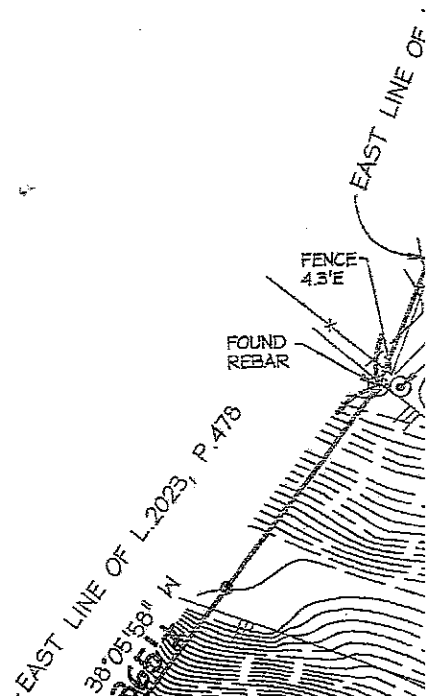
N 27°40'44" E
1104.1'

562'± (ALONG CENTERLINE)



HOUSE DETAIL
NOT TO SCALE

NORTHEAST CORNER
OF LANDS DEEDED
TO ADRIAN L. DODGE
L.2023, P.478



Short Environmental Assessment Form

Part 1 - Project Information

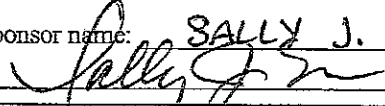
Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information							
Name of Action or Project: <p style="text-align: center; font-size: 1.2em;">SINGLE FAMILY RESIDENCE</p>							
Project Location (describe, and attach a location map): <p style="text-align: center; font-size: 1.2em;">250 FEET FROM BOUNDARY LINE PARALLEL TO RIGHT OF WAY</p>							
Brief Description of Proposed Action: <p style="text-align: center; font-size: 1.2em;">SINGLE FAMILY RESIDENCE</p>							
Name of Applicant or Sponsor: <p style="text-align: center; font-size: 1.2em;">SALLY & RICHARD ERBE</p>		Telephone: E-Mail: <u> </u>					
Address: <p style="text-align: center; font-size: 1.2em;">45 MIDDLEBURY RD</p>							
City/PO: <p style="text-align: center; font-size: 1.2em;">ORCHARD PARK</p>		State: <p style="text-align: center; font-size: 1.2em;">NY</p>	Zip Code: <p style="text-align: center; font-size: 1.2em;">14127</p>				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">NO</td> <td style="width: 50%; text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">NO</td> <td style="width: 50%; text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
3.a. Total acreage of the site of the proposed action?		± 10.2 acres					
b. Total acreage to be physically disturbed?		.13 acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		± 10.2 acres					
4. Check all land uses that occur on, adjoining and near the proposed action.							
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)							
<input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____							
<input type="checkbox"/> Parkland							

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	N/A		
	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>SALLY J. ERBE</u> Signature: <u></u>	Date: <u>10/05/2018</u>	