



CASE NO. 1300

DATE OF HEARING 8/17/17

Town of Aurora Zoning Board of Appeals
300 Glead Avenue, East Aurora, New York 14052

Zoning Board of Appeals Application Form

I. TYPE OF REQUEST

AREA VARIANCE SPECIAL USE PERMIT USE VARIANCE INTERPRETATION

II. APPLICANT/PETITIONER

Applicant's Name Donald J. May
Address 1638 Hubbard Rd
City E. Aurora State NY ZIP 14052
Phone 716 Fax _____ Email _____@_____ .COM
Interest in the property (ex: owner/purchaser/developer) owner: Donald J. May

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 1638 Hubbard
SBL# 175.04-1-23.12
Property size in acres 5.29 Property Frontage in feet 336.54
Zoning District R1 Surrounding Zoning residential/agricultural
Current Use of Property residential

IV. REQUEST DETAIL

(check all that apply)

Variance from Ordinance Section(s) # _____
 Special Use Permit for: _____
 Use Variance for: _____
 Interpretation of _____

PETITIONER'S LETTER OF INTENT

Please describe in detail the proposed project, reason the variance and/or special use permit is being requested and any additional information that may be helpful to the Zoning Board of Appeals in deciding this appeal: (attach additional pages if needed)

Height variance request for additional storage space
previous appeal 1213

TO BE COMPLETED ONLY WHEN A USE VARIANCE IS BEING REQUESTED:

A Use Variance is requested because the applicable regulations and restrictions in the Zoning Code of the Town of Aurora have caused unnecessary hardship as demonstrated by the following:

1) I cannot realize a reasonable return on my property for each and every permitted use allowed in the current zoning classification as demonstrated by the accompanying financial evidence (provide financial evidence to support your argument).
Financial Evidence Provided Yes _____ No _____ (financial evidence is required per NYS Town Law)

2) Describe why your alleged hardship relating to the subject property is unique and does not apply to other properties in the zoning district or neighborhood: _____

3) Describe why you believe that the essential character of the neighborhood/community will not change if the Zoning Board of Appeals grants you a use variance: _____

4) Is your need for a use variance a result of you own actions (is your difficulty self-created)? Please explain: _____

(Attach additional pages if needed)

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)

Donald J. May

Signature of Applicant/Petitioner

Donald J. May

Print name of Applicant/Petitioner

State of New York; County of Erie

On the 11 day of July in the year 2017 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.

Martha L. Librock

Notary Public

(Notary stamp)

MARTHA L. LIBROCK
Notary Public, State of New York
No. 01LI5028312
Qualified in Erie County
My Commission Expires May 31, 2018

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 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 _____

SUPERVISOR
James J. Bach
(716) 652-7590
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

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sfriess@townofaurora.com

Jeffrey T. Harris
jharris@townofaurora.com

Jolene M. Jeffe
jjeffe@townofaurora.com

Charles D. Snyder
csnyder@townofaurora.com

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(716) 652-4050
highway@townofaurora.com

SUPT. OF BUILDING
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(716) 652-7591
building@townofaurora.com

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assessor@townofaurora.com
(716) 652-0011

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Christopher Musshafen
(716) 652-8866
chris@townofaurora.com

TOWN ATTORNEY
Ronald P. Bennett

TOWN JUSTICE
Jeffrey P. Markello
Anthony DiFilippo IV

HISTORIAN
Robert L. Goller
(716) 652-7944
historian@townofaurora.com

FAX: (716) 652-3507
NYS Relay Number:
1(800) 662-1220

Donald May
1638 Hubbard Rd
East Aurora, NY 14052

7/11/2017

Re: Accessory building mean height & setback

Don,

The Building Dept. has reviewed your application for an accessory building at 1638 Hubbard Rd. We have denied your application because the proposed building does not meet the zoning regulations for accessory buildings as specified in the R-1 District Zoning Regulations. We therefore request that you apply to the Town Zoning Board of Appeals for an area variance if you wish to continue with this project.

116-8.1 B2

Required: accessory building not to exceed 15' mean height

Requested: 17' 3" mean height

Variance required: 2' 3" height variance.

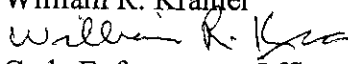
New ODA Front Yard Setback

Required; '200

Requested; 85'+/-

Variance; 115'+/-

If you wish to pursue this matter further you must apply to the Town of Aurora Zoning Board of Appeals for an Area Variance. You must include your application, application fee, and any information you need to support your need for a variance from the Town Code. If you have any questions contact us at 652-7591.

William R. Kramer

Code Enforcement Officer

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: May Residence BARN / GARAGE							
Project Location (describe, and attach a location map): 1638 Hubbard Road							
Brief Description of Proposed Action: Garage storage and PERSONAL WORKSHOP							
Name of Applicant or Sponsor: Donald & LAURA May		Telephone: (716)					
Address: 1638 Hubbard Road		E-Mail:					
City/PO: EAST AURORA		State: NY	Zip Code: 14052				
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> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </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: Building PERMIT			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
3.a. Total acreage of the site of the proposed action?		<u>3</u> acres					
b. Total acreage to be physically disturbed?		<u>1/2</u> acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>5</u> acres					
4. Check all land uses that occur on, adjoining and near the proposed action.							
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)							
<input type="checkbox"/> Forest <input 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? b. Are public transportation service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" 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 type="checkbox"/>	<input checked="" 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? b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<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? 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: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<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 checked="" 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 checked="" 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>Donald J. May</u> Signature: <u>Donald J. May</u>	Date: <u>7-11-17</u>	

May 2014

**ZONING BOARD OF APPEALS
TOWN OF AURORA
DECISION**

RE: APPEAL NO. 1213

A hearing on the above Application of Donald May, Petitioner, having been called before the Zoning Board of Appeals in the Southside Municipal Center, 300 Gleed Street, East Aurora, New York on the 15th day of May, 2014, at 7:45 p.m. after due notice published in the East Aurora Advertiser as prescribed in Section 267-a, Subdivision 7 of the Town Law and Section 116-61 F of the Code of the Town of Aurora, was held at said time and place.

There were present:

Rodney Simeone
Wayne Nowicin
James W. Whitcomb
Albert Salter
Donald Aubrecht

The secretary read the Notice of Public Hearing and the Affidavit of Publication which were duly marked as exhibits herein. Exhibit 1 and 2.

Petitioner seeks variances to allow the construction of an accessory building in a front yard and with a second story at 1638 Hubbard Road SBL# 175.04-1-23.12 in an A zone (the "Premises").

Petitioner Appeared.

No one else appeared.

At a duly convened meeting held on the 15th day of May, 2014 and after said public meeting, the Zoning Board of Appeals finds as follows:

Findings

1. This is a Type II action pursuant to Article 8 of New York State Environmental Conservation Law and the regulations promulgated thereunder, Part 617 of Title 6 of the New York Code of Rules and Regulations (SEQR).
2. Accessory buildings are not allowed in a front yard and cannot have a second floor. Town Code §§ 116-8A(1) and Table of District Regulations.

3. Petitioner's Premises is located on a private road that connects with Hubbard Road. As such, Petitioner's front yard is determined based upon its orientation to Hubbard Road, not based upon its orientation to the private road.
4. Petitioner proposes to construct an accessory building, a barn, as shown in Exhibit 7. This location is closer to Hubbard Road than Petitioner's principal dwelling. The location for the barn is the flattest area adjacent to the principal dwelling. The elevation of the property drops to a ravine behind the proposed location for the barn and the principal dwelling.
5. The barn will have a garage with two doors. It will also have a storage area and in the second story a work space. The barn will have electric and water. The barn will be used for storage and for hobbies.
6. The variance will not create an undesirable change in the character of the neighborhood, the benefit sought by the Petitioner cannot be achieved by some other method other than an area variance, the variance is not substantial and the proposed variance will not have an adverse effect or impact on the neighborhood. The need for the variance is not self-created.

Wayne Nowocin made a motion to grant the Petitioner a front yard variance and a second story variance to allow the construction of an accessory building, a barn, at the Premises.

Donald Aubrecht seconded the motion.

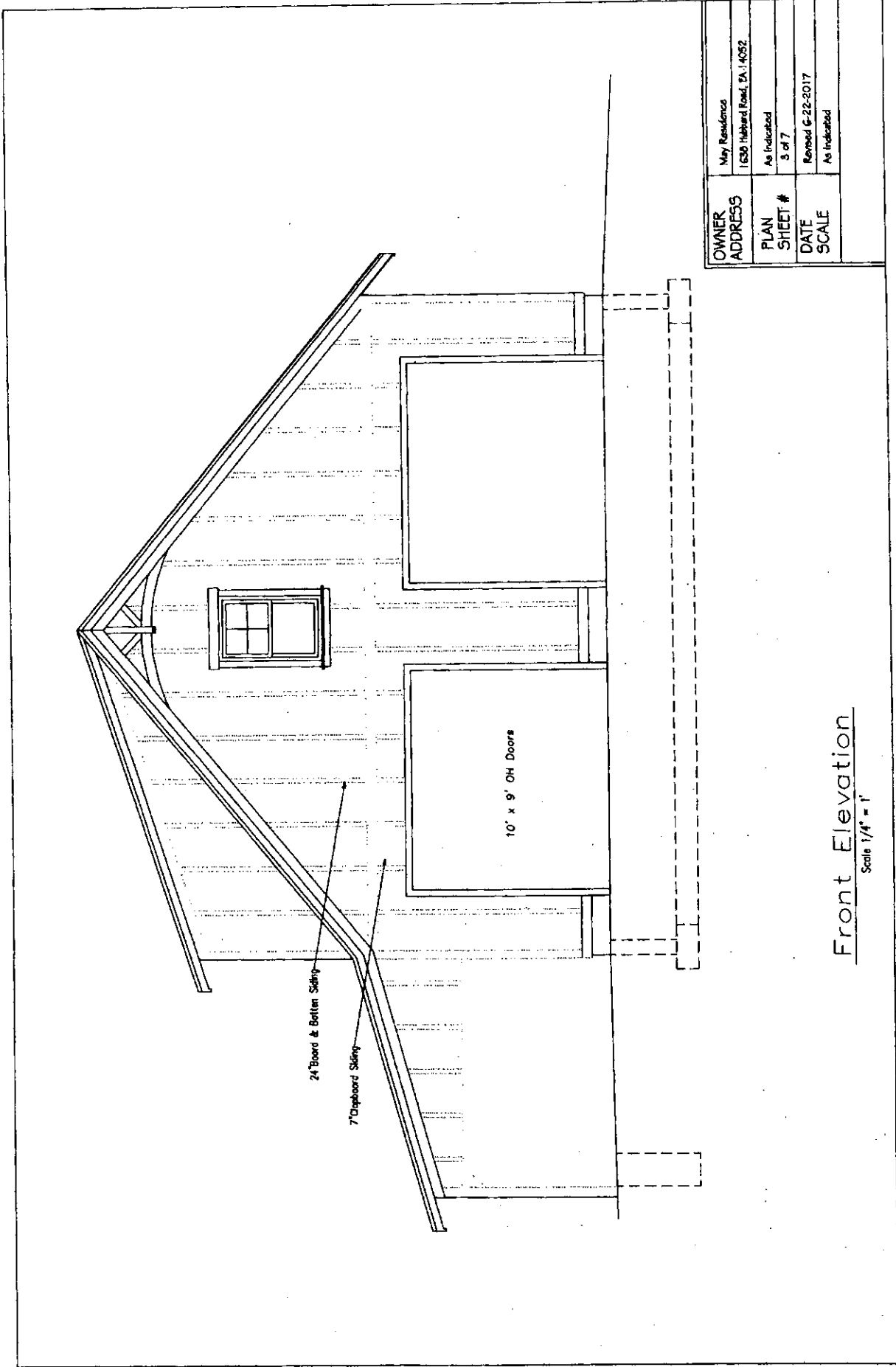
On a roll call, the vote was

Rodney Simeone	Aye
Wayne Nowocin	Aye
Albert Salter	Aye
James Whitcomb	Aye
Donald Aubrecht	Aye

RESOLVED, that the variances applied for by Donald May, Petitioner, in his Application No. 1213 be and hereby is granted.

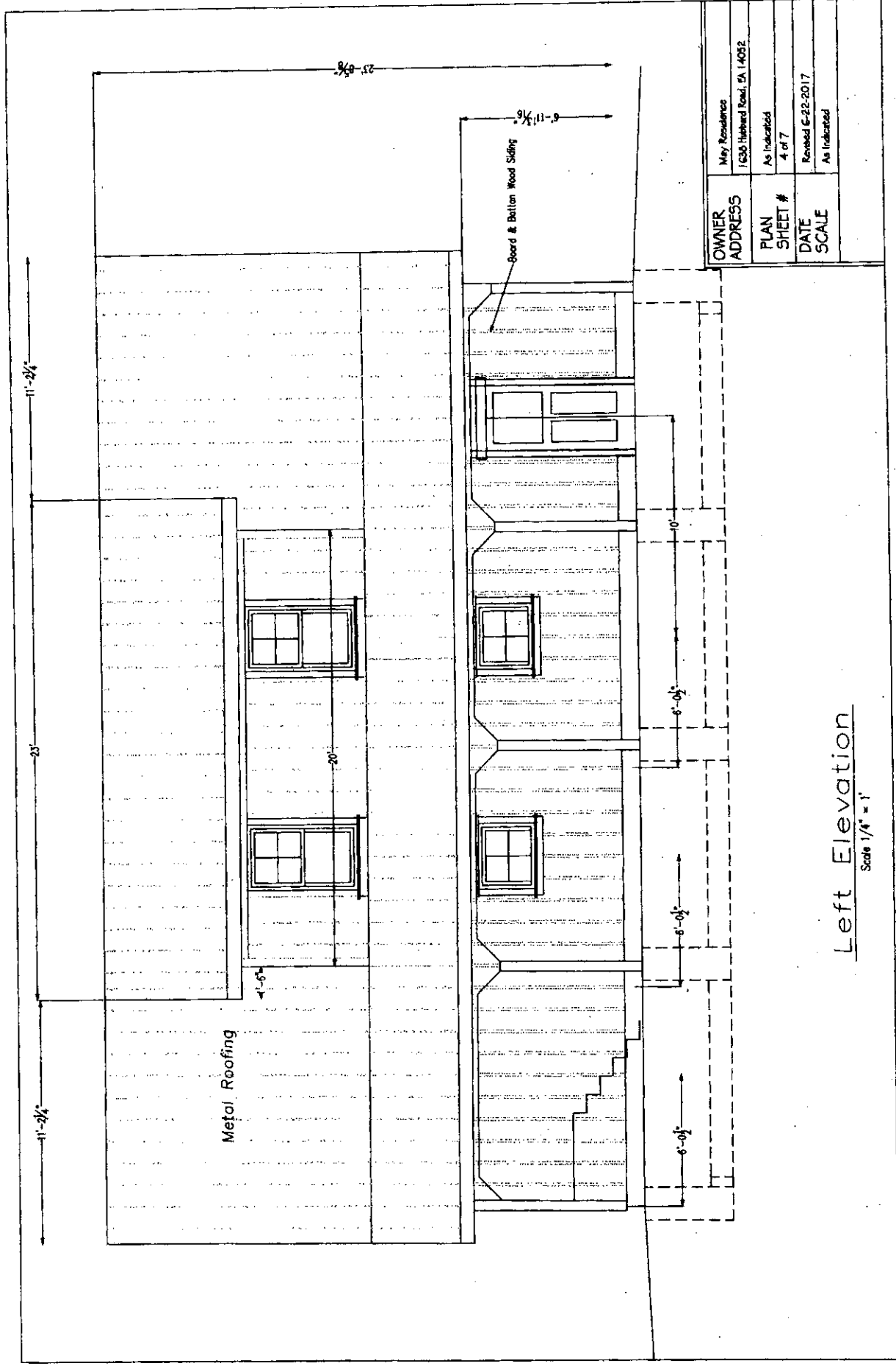
Dated: East Aurora, New York
May 15, 2014


Chairman



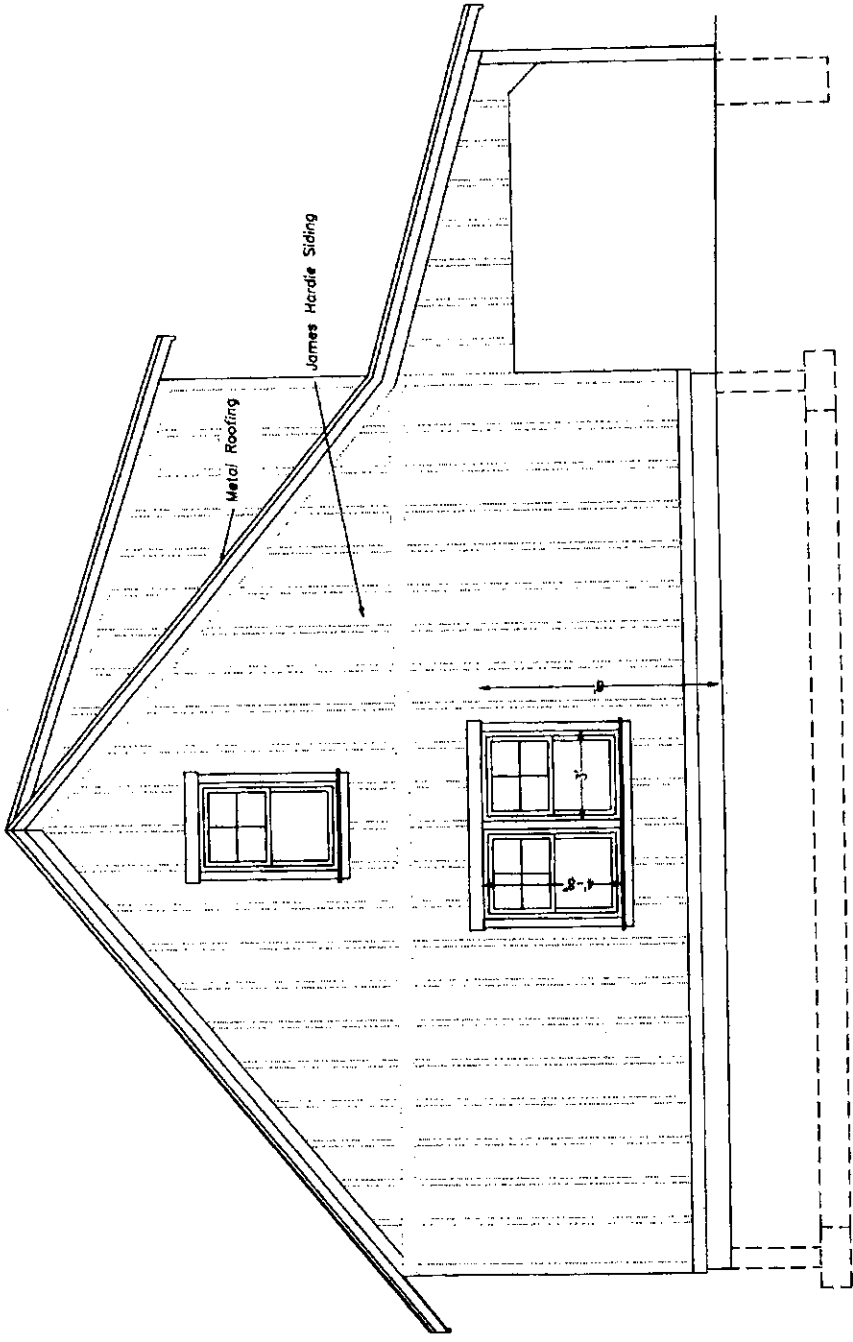
OWNER ADDRESS	May Residence 1636 Hubbard Road, SA. 14052
PLAN SHEET #	As Indicated 3 of 7
DATE SCALE	Revised 6-22-2017 As Indicated

Front Elevation
Scale 1/4" = 1'



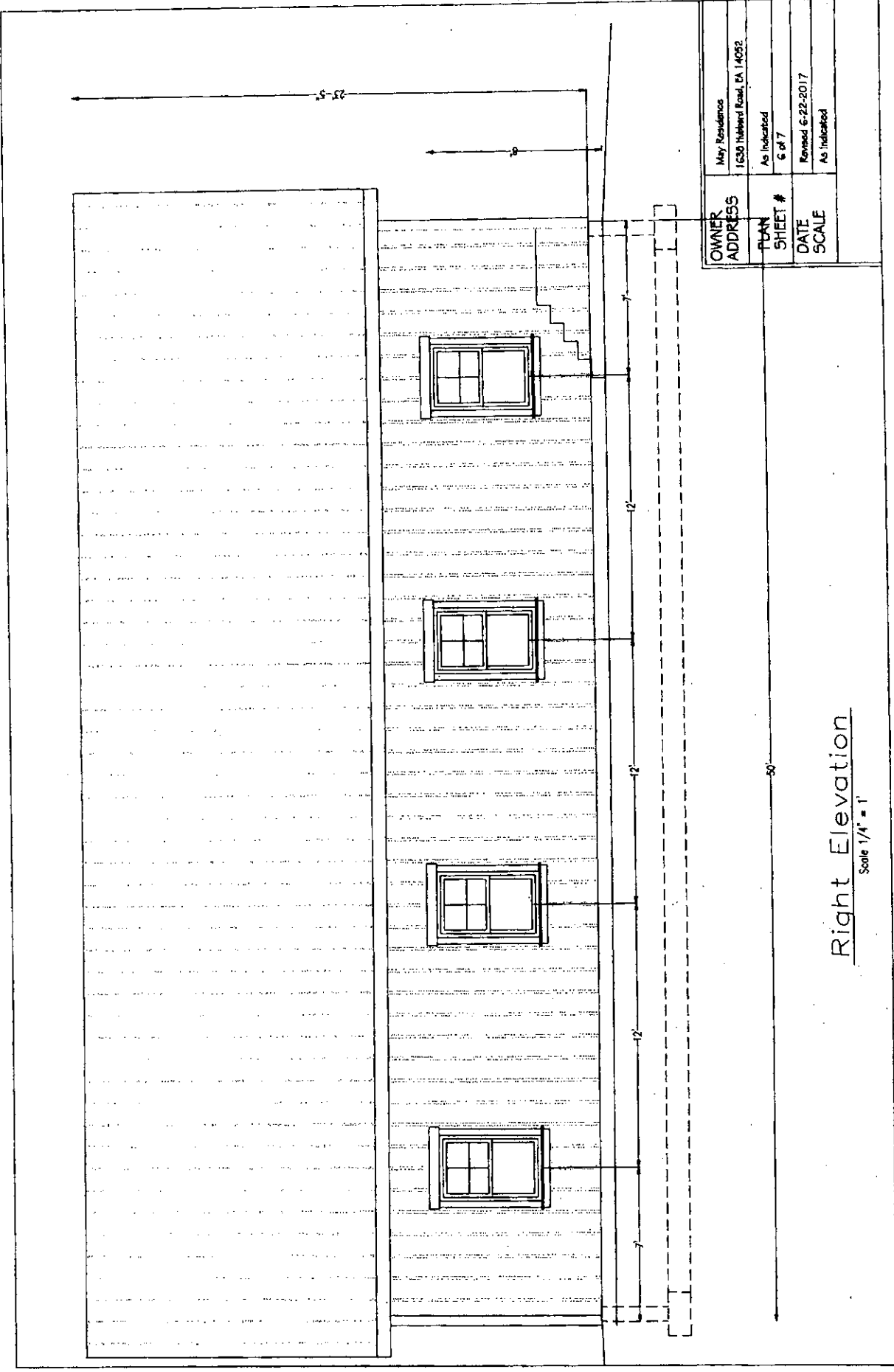
OWNER ADDRESS	May Residence 1630 Hubbard Road, EA 14082
PLAN SHEET #	As Indicated 4 of 7
DATE	Revised E-22-2017
SCALE	As Indicated

Left Elevation
Scale 1/4" = 1'



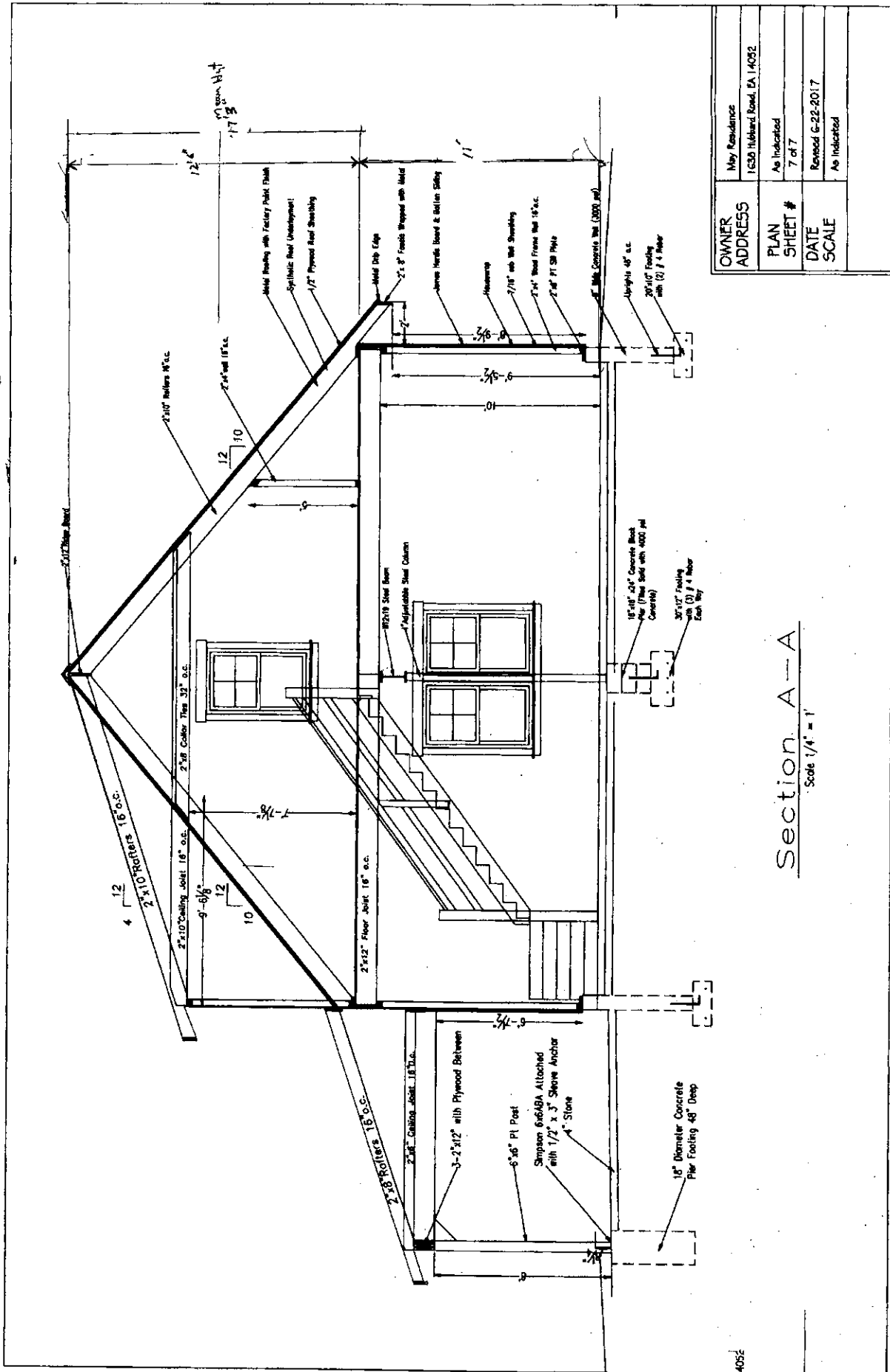
OWNER	My Residence
ADDRESS	1538 Hubbard Road, PA 14052
PLAN SHEET #	As Indicated 5 of 7
DATE	Revised 6-22-2017
SCALE	As Indicated

Right Elevation
Scale 1/4" = 1'



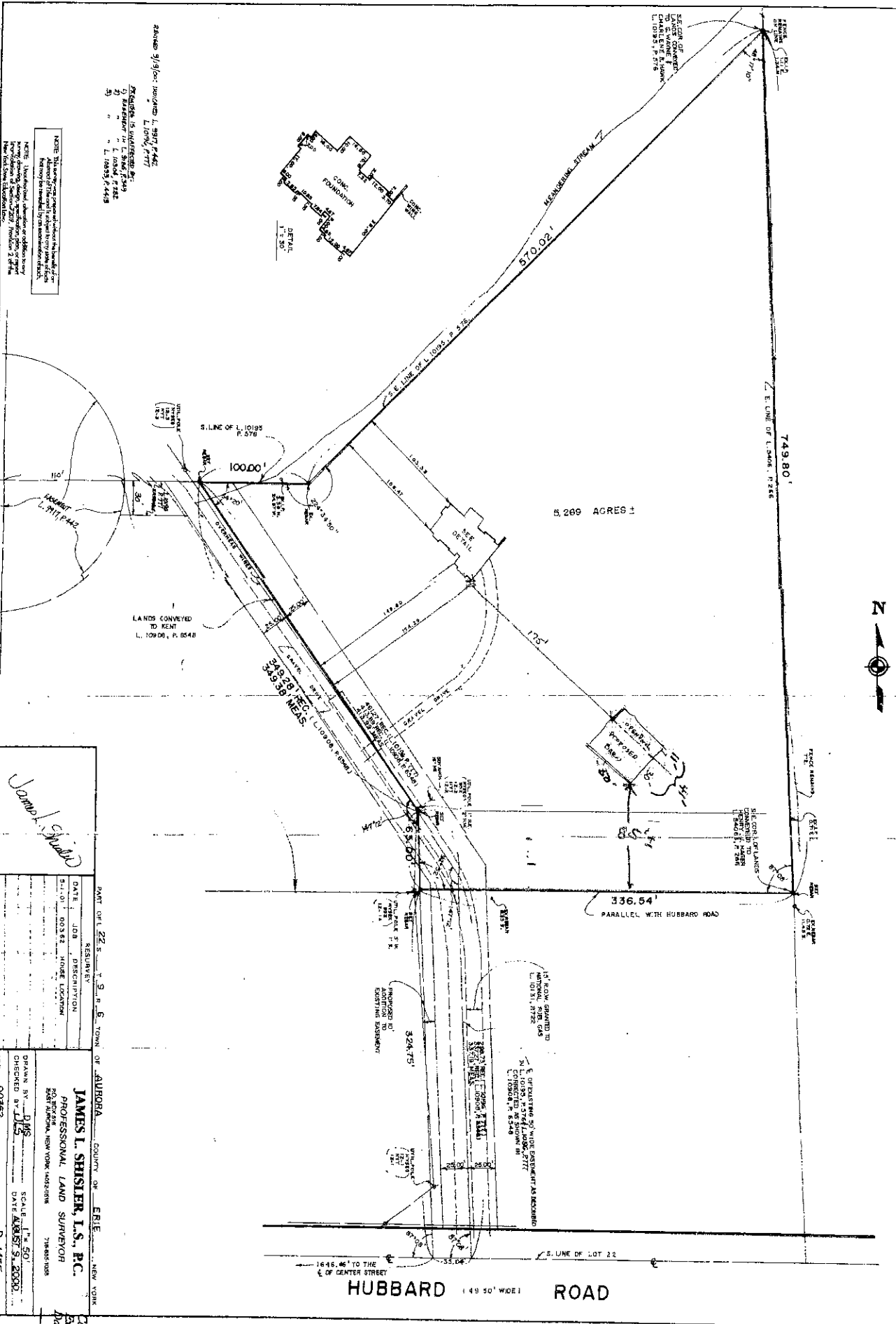
OWNER ADDRESS	May Residences 1630 Hubbard Road, EA 14052
PLAN SHEET #	As Indicated 6 of 7
DATE SCALE	Revised 6-22-2017 As Indicated

Right Elevation
Scale 1/4" = 1'



OWNER ADDRESS	My Residence 1628 Hubbard Road, EA 4052
PLAN SHEET #	As Indicated 7 of 7
DATE	Revised 6-22-2017
SCALE	As Indicated

Section A-A
Scale 1/4" = 1'



25 acres 9/19/00. James L. 1897 P. 442
 1/2 acre 1/10/00. L. 1096 P. 777
 1/2 acre 1/10/00. L. 1096 P. 777
 1/2 acre 1/10/00. L. 1096 P. 777
 1/2 acre 1/10/00. L. 1096 P. 777
 1/2 acre 1/10/00. L. 1096 P. 777

NOTE: This survey was prepared under the authority of
 the State of New York and is subject to the provisions of
 the laws of this State relating to the practice of
 the profession of land surveying.

James L. Shisler

DATE	JOB DESCRIPTION	ASSURER
3-1-00	ADJUTANT	ADJUTANT

PART OF L. 22 S. 1 S. N. 6 TOWN OF AUBURN COUNTY OF ERIE NEW YORK
JAMES L. SHISLER, L.S., P.C.
 PROFESSIONAL LAND SURVEYOR
 2025 RIVERVIEW, NEW YORK 14228
 DRAWN BY: *DWS* SCALE: 1" = 50'
 CHECKED BY: *LWS* DATE: AUGUST 9, 2000
 JOB: 00962 SHEET: D-1455

Case # 1212
 Exhibit # 1455



CASE NO. 1301
DATE OF HEARING 8/17/17

Town of Aurora Zoning Board of Appeals
300 Glead Avenue, East Aurora, New York 14052

Zoning Board of Appeals Application Form

I. TYPE OF REQUEST

AREA VARIANCE SPECIAL USE PERMIT USE VARIANCE INTERPRETATION

II. APPLICANT/PETITIONER

Applicant's Name DEBORAH PETRONIO & DAVID BRAUN
Address 1640 BLAKELY CORNERS
City EAST AURORA State NY ZIP 14052
Phone _____ Fax _____ Email _____
Interest in the property (ex: owner/purchaser/developer) OWNER

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

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

III. PROPERTY INFORMATION

Property Address 1640 BLAKELY CORNERS
SBL# 187.00-3-39.2
Property size in acres 1.6 AC Property Frontage in feet 200
Zoning District RR Surrounding Zoning RR 1A
Current Use of Property RESIDENTIAL

IV. REQUEST DETAIL

(check all that apply)

Variance from Ordinance Section(s) # _____
 Special Use Permit for: _____
 Use Variance for: _____
 Interpretation of _____

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)

Deborah Petronio

Signature of Applicant/Petitioner

Deborah Petronio

Print name of Applicant/Petitioner

State of New York; County of Erie

On the 7th day of July in the year 2017 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.

Martha L. Librock

Notary Public

MARTHA L. LIBROCK
Notary Public, State of New York
No. 01LI5028312
Qualified in Erie County
My Commission Expires May 31, 2018

(Notary stamp)

Office Use Only: Date received: 7/7/17 Receipt #: 228831

Application reviewed by: _____

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

PREVIOUS APPEAL(S):

A previous appeal to the 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 and/or special use permit is being requested and any additional information that may be helpful to the Zoning Board of Appeals in deciding this appeal: (attach additional pages if needed)

please see attached.

TO BE COMPLETED ONLY WHEN A USE VARIANCE IS BEING REQUESTED:

A Use Variance is requested because the applicable regulations and restrictions in the Zoning Code of the Town of Aurora have caused unnecessary hardship as demonstrated by the following:

1) I cannot realize a reasonable return on my property for each and every permitted use allowed in the current zoning classification as demonstrated by the accompanying financial evidence (provide financial evidence to support your argument).
Financial Evidence Provided Yes No (financial evidence is required per NYS Town Law)

2) Describe why your alleged hardship relating to the subject property is unique and does not apply to other properties in the zoning district or neighborhood: _____

3) Describe why you believe that the essential character of the neighborhood/community will not change if the Zoning Board of Appeals grants you a use variance: _____

4) Is your need for a use variance a result of you own actions (is your difficulty self-created)? Please explain: _____

(Attach additional pages if needed)

Petronio Free Standing Garage
1640 Blakely Corners
East Aurora NY 14052

LETTER OF INTENT

Please consider approving the following three variations to the zoning rules:

1. Place the structure at the front of the house

The garage cannot be placed at the rear of the house because of existing septic tank. I prefer to locate the garage at the front of the house to connect with the existing driveway and turnaround and to save making an extension to the driveway.

2. Add a second floor to the garage

A second floor of unconditioned space will be added to the garage to provide additional storage space for the home owner. This additional space is for personal use.

3. Approve a variance on the height of the garage

This is necessary to accommodate the second floor.

Deliah Petronio

VMD Construction
74 Pine Street
East Aurora, NY 14052

PAGE 7.

SUPERVISOR
James J. Bach
(716) 652-7590
jbach@townofaurora.com



TOWN CLERK
Martha L. Librock
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TOWN OF AURORA
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FAX: (716) 652-3507
NYS Relay Number:
1(800) 662-1220

Deborah Petronio & Doug Braun
1640 Blakeley Rd
East Aurora, NY 14052

7/7/2017

Re: Accessory building in front yard with second story/ mean height

Deborah & Doug,

The Building Dept. has reviewed your application for an accessory building at 1640 Blakeley Rd. We have denied your application because the proposed building does not meet the zoning regulations for accessory buildings as specified in the Town of Aurora Rural Residential Zoning District regulations. We therefore request that you apply to the Town Zoning Board of Appeals for an area variance if you wish to continue with this project.

Required: One Story, not to exceed 15' mean height

Requested: Two Story, with 15' 8" mean height

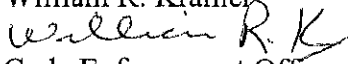
Variance required: Two Story Accessory Building & 8" height variance.

Required: No accessory buildings in the front yard.

Requested: An accessory building in the front yard.

Variance required: An accessory building in the front yard.

If you wish to pursue this matter further you must apply to the Town of Aurora Zoning Board of Appeals for an Area Variance. You must include your application, application fee, and any information you need to support your need for a variance from the Town Code. If you have any questions contact us at 652-7591.

William R. Kramer

Code Enforcement Officer

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: PETRONIO FREE STANDING GARAGE																		
Project Location (describe, and attach a location map): 1640 BLACKLEY CORNERS, EAST AURORA NY																		
Brief Description of Proposed Action: 2 STORY FREE STANDING GARAGE, POLE BARN CONSTRUCTION																		
Name of Applicant or Sponsor: DEBORAH PETRONIO		Telephone: 716 455 1111																
Address: 1640 BLACKLEY CORNERS		E-Mail: deborahpetronio@comcast.net																
City/PO: EAST AURORA		State: NY	Zip Code: 14052															
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> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </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> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>											
NO	YES																	
<input type="checkbox"/>	<input checked="" type="checkbox"/>																	
3.a. Total acreage of the site of the proposed action?		1.6 acres																
b. Total acreage to be physically disturbed?		21.6 acres																
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.6 acres																
4. Check all land uses that occur on, adjoining and near the proposed action.																		
<table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> Urban</td> <td><input type="checkbox"/> Rural (non-agriculture)</td> <td><input type="checkbox"/> Industrial</td> <td><input type="checkbox"/> Commercial</td> <td><input checked="" type="checkbox"/> Residential (suburban)</td> </tr> <tr> <td><input type="checkbox"/> Forest</td> <td><input type="checkbox"/> Agriculture</td> <td><input type="checkbox"/> Aquatic</td> <td colspan="2"><input type="checkbox"/> Other (specify): _____</td> </tr> <tr> <td colspan="5"><input type="checkbox"/> Parkland</td> </tr> </table>				<input type="checkbox"/> Urban	<input type="checkbox"/> Rural (non-agriculture)	<input type="checkbox"/> Industrial	<input type="checkbox"/> Commercial	<input checked="" type="checkbox"/> Residential (suburban)	<input type="checkbox"/> Forest	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Aquatic	<input type="checkbox"/> Other (specify): _____		<input type="checkbox"/> Parkland				
<input type="checkbox"/> Urban	<input type="checkbox"/> Rural (non-agriculture)	<input type="checkbox"/> Industrial	<input type="checkbox"/> Commercial	<input checked="" type="checkbox"/> Residential (suburban)														
<input type="checkbox"/> Forest	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<input checked="" 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 checked="" type="checkbox"/>	<input 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?	NO	YES	
	<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: _____	NO	YES	
	<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 type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" 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 type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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"/>	

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>Deborah Petronio Deborah Petronio</u> Signature: _____		Date: <u>7/7/17</u>

Petronio Free Standing Garage
1640 Blakely Corners
East Aurora NY 14052

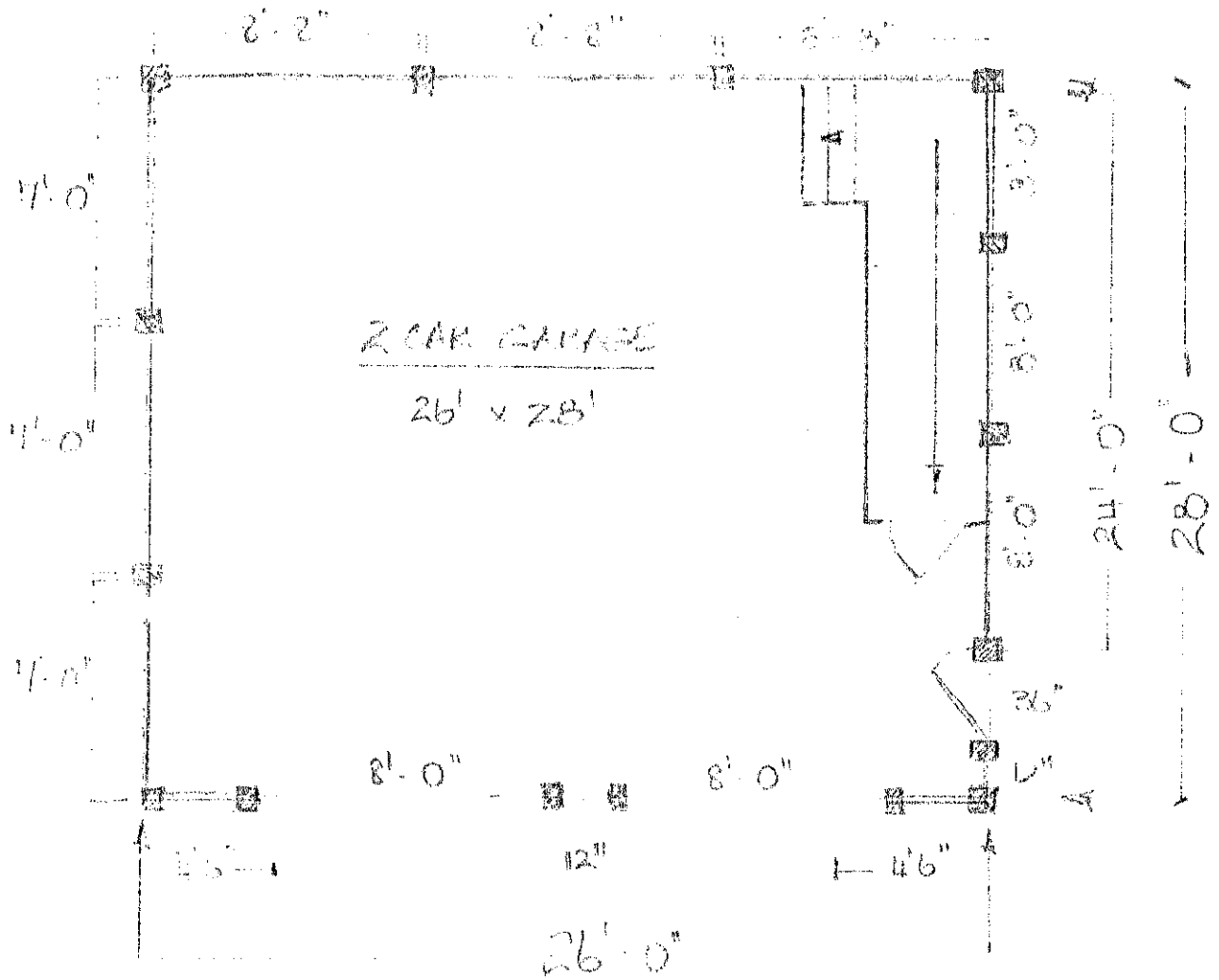
FRONT VIEW



PAGE 1

VMD Construction
74 Pine Street
East Aurora, NY 14052

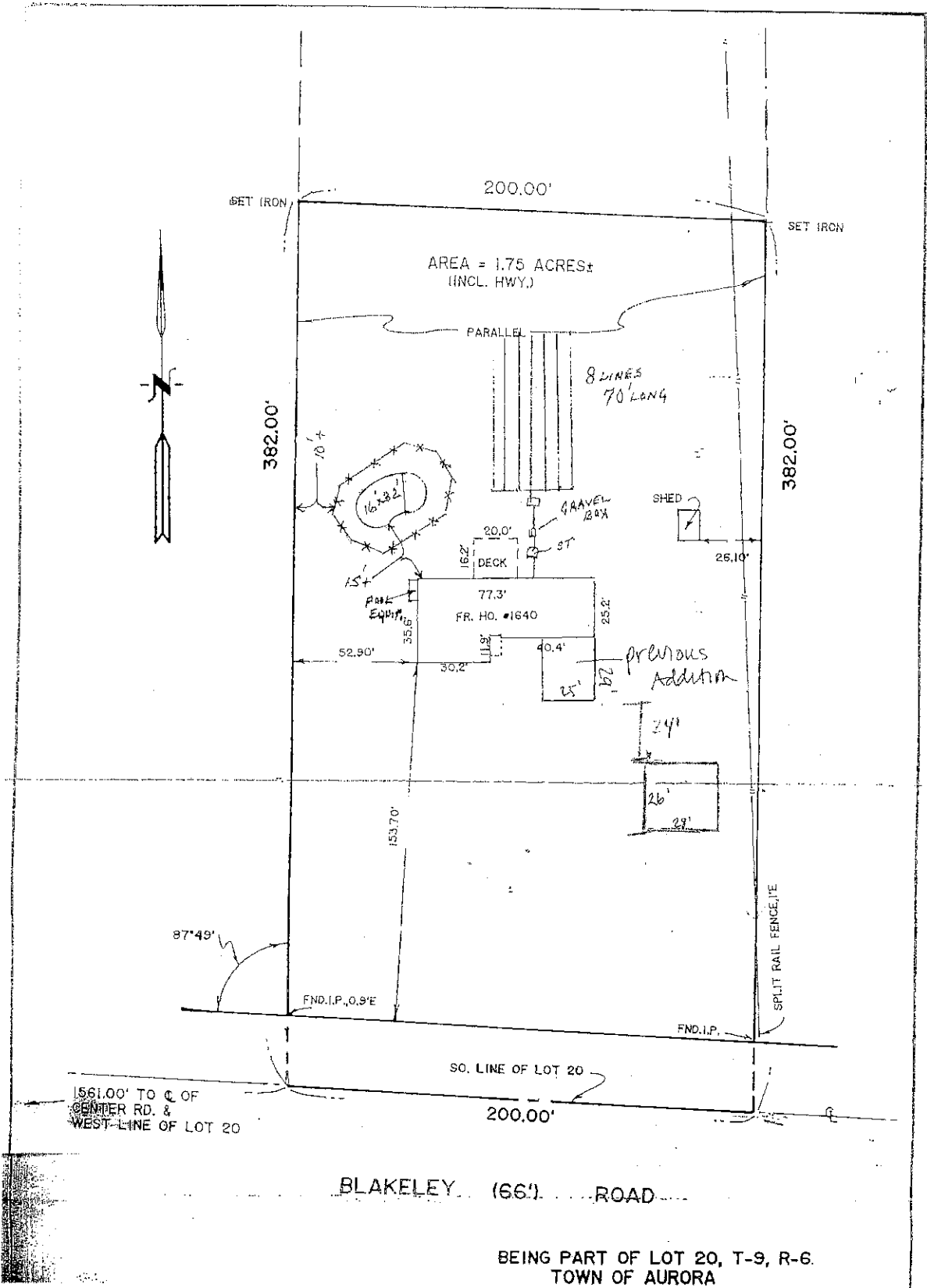
Petronio Free Standing Garage
1640 Blakely Corners
East Aurora NY 14052



MAIN FLOOR PLAN
(NOT TO SCALE)

PAGE 2.

VMD Construction
74 Pine Street
East Aurora, NY 14052



BLAKELEY (66') ROAD

BEING PART OF LOT 20, T-9, R-6
TOWN OF AURORA

Deborah Petronio &
Doug Braun
1640 Blakeley
SBL: 187.00-3-40.2



Blakeley
SBL 187.00-3-39.1 owned by applicant

Thomas & Karen Cashmore, 1660 Blakeley EA

Glenn Stuber & Melissa Frisch, 1620 Blakeley EA

Ronald Vogel, 1635 Blakeley EA



CASE NO. 1302

DATE OF HEARING 8-17-17

Town of Aurora Zoning Board of Appeals
300 Glead Avenue, East Aurora, New York 14052

Zoning Board of Appeals Application Form

I. TYPE OF REQUEST

AREA VARIANCE SPECIAL USE PERMIT USE VARIANCE INTERPRETATION

II. APPLICANT/PETITIONER

Applicant's Name Daniel Mombreg
Address 547 Grover Road
City East Aurora State NY ZIP 14052
Phone 1 Fax _____ Email d@mombreg.com
Interest in the property (ex: owner/purchaser/developer) OWNER

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

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

III. PROPERTY INFORMATION

Property Address 547 GROVER ROAD, EAST AURORA, NY 14052
SBL# 174.00-3-40
Property size in acres .46 Property Frontage in feet 80'
Zoning District R1 Surrounding Zoning R1, RR, A
Current Use of Property HOME

IV. REQUEST DETAIL

(check all that apply)

Variance from Ordinance Section(s) # _____
 Special Use Permit for: _____
 Use Variance for: _____
 Interpretation of _____

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)

Daniel J Mombrea Jr
Signature of Applicant/Petitioner

Daniel J Mombrea Jr
Print name of Applicant/Petitioner

State of New York; County of Erie

On the 12th day of July in the year 2017 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.

Sheryl A. Miller
Notary Public

(Notary stamp)

SHERYL A. MILLER
Reg. #01MI6128663
Notary Public, State of New York
Qualified in Erie County
Commission Expires June 13, 2021

Office Use Only: Date received: 7/12/17 Receipt #: 228843

Application reviewed by: _____

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

PREVIOUS APPEAL(S):

A previous appeal to the 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 and/or special use permit is being requested and any additional information that may be helpful to the Zoning Board of Appeals in deciding this appeal: (attach additional pages if needed)

REPLACING Deteriorating concrete patio and steps with a deck to improve safety and appearance. Project will be an improvement to the neighborhood. Replacing patio in that location will still not be as safe as the deck. A deck is approximately same size as what is being replaced + same foot print. Will have no adverse physical or environmental effect. We purchased this property one year ago and knew concrete was deteriorating & becoming unsafe with plan to replace it.

TO BE COMPLETED ONLY WHEN A USE VARIANCE IS BEING REQUESTED:

A Use Variance is requested because the applicable regulations and restrictions in the Zoning Code of the Town of Aurora have caused unnecessary hardship as demonstrated by the following:

1) I cannot realize a reasonable return on my property for each and every permitted use allowed in the current zoning classification as demonstrated by the accompanying financial evidence (provide financial evidence to support your argument).

Financial Evidence Provided Yes ___ No ___ (financial evidence is required per NYS Town Law)

2) Describe why your alleged hardship relating to the subject property is unique and does not apply to other properties in the zoning district or neighborhood: _____

3) Describe why you believe that the essential character of the neighborhood/community will not change if the Zoning Board of Appeals grants you a use variance: _____

4) Is your need for a use variance a result of you own actions (is your difficulty self-created)? Please explain: _____

(Attach additional pages if needed)

SUPERVISOR
James J. Bach
(716) 652-7590
jbach@townofaurora.com

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

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

TOWN COUNCIL MEMBERS

Susan A. Friess
sfriess@townofaurora.com

Jeffrey T. Harris
jharris@townofaurora.com

Jolene M. Jeffe
jjeffe@townofaurora.com

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building@townofaurora.com

ASSESSOR
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assessor@townofaurora.com
(716) 652-0011

DIR. OF RECREATION
Christopher Musshafen
(716) 652-8866
chris@townofaurora.com

TOWN ATTORNEY
Ronald P. Bennett

TOWN JUSTICE
Jeffrey P. Markello
Anthony DiFilippo IV

HISTORIAN
Robert L. Goller
(716) 652-7944
historian@townofaurora.com

FAX: (716) 652-3507
NYS Relay Number:
1(800) 662-1220

Daniel & Jennifer Mombrea
547 Grover Rd
East Aurora, NY 14052

7/07/2017

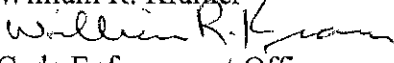
Re: front yard set back

Daniel & Jennifer,

The Building Dept. has reviewed your application for a deck at 547 Grover Rd. We have denied your application because the proposed deck does not meet the front yard setback regulations as specified in the RR District of the Town Code. We therefore request that you apply to the Town Zoning Board of Appeals for an area variance if you wish to continue with this project.

116-8.4E1
Existing legal non-conforming residence: 46.25
Required: Minimum front yard setback: 75'
Requested: 38'
Variance required: 37'

If you wish to pursue this matter further you must apply to the Town of Aurora Zoning Board of Appeals for an Area Variance. You must include your application, application fee, and any information you need to support your need for a variance from the Town Code. If you have any questions contact us at 652-7591.

William R. Kramer

Code Enforcement Officer

Short Environmental Assessment Form

Part 1 - Project Information

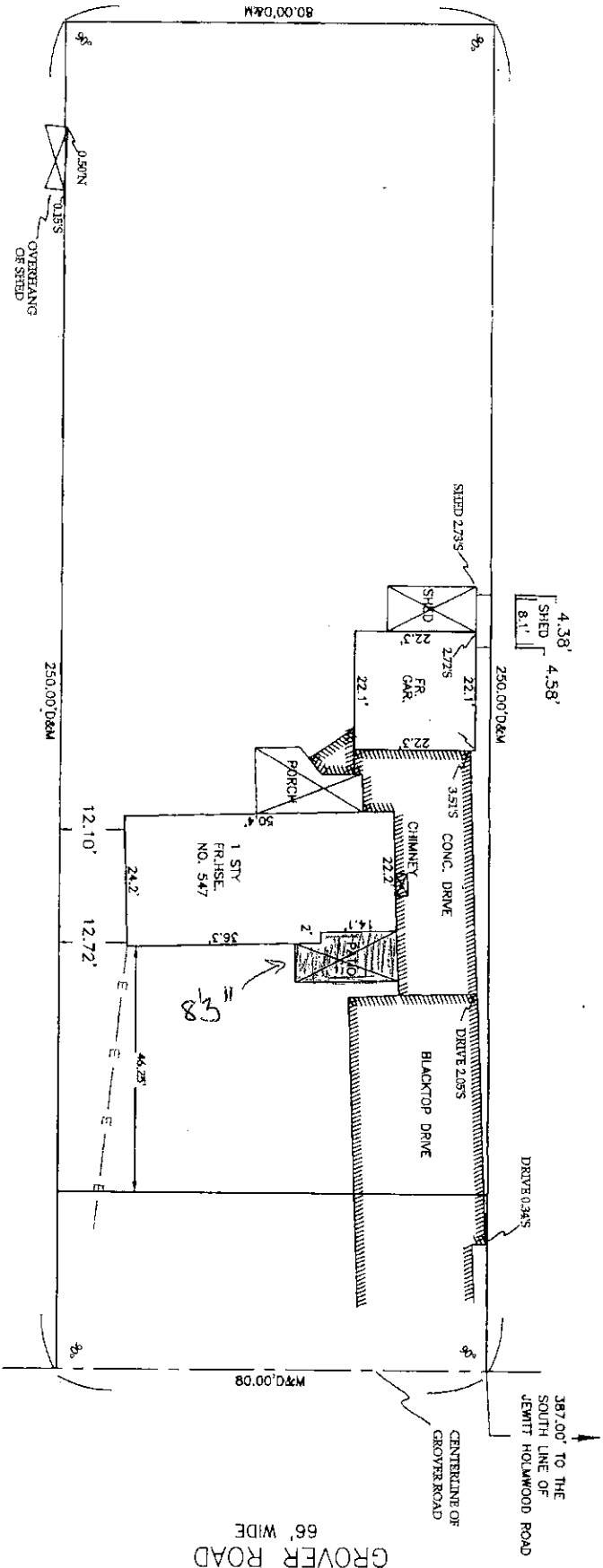
Instructions for Completing

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			
FRONT DECK			
Name of Action or Project:			
Project Location (describe, and attach a location map):			
547 GROVER ROAD, East Aurora NY 14057			
Brief Description of Proposed Action:			
Replace deteriorating concrete patio + stair way with a Deck.			
Name of Applicant or Sponsor:		Telephone:	
Daniel Hombrea		- - - - - 29	
Address:		E-Mail:	
547 GROVER Road		- - - - - 1@	
City/PO:		State:	Zip Code:
East Aurora		NY	14057
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO YES
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.			<input checked="" type="checkbox"/> <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?			NO YES
If Yes, list agency(s) name and permit or approval: BUILDING DEPT.			<input type="checkbox"/> <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?			
.46 acres			
b. Total acreage to be physically disturbed?			
200 sq ft acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			
.46 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?	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" 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: N/A	NO	YES	
	<input checked="" type="checkbox"/>	<input 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 type="checkbox"/> Forest <input 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	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	<input type="checkbox"/> NO <input type="checkbox"/> YES		



SURVEY NOTES

1. UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP RESULTING IN A DERIVED LAND SURVEY SHALL BE A VIOLATION OF THE SURVEYING AND MAPPING LAW OF THE STATE OF NEW YORK STATE EDUCATION LAW.
2. REPRODUCTION OR COPYING OF THIS SURVEY MAP WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR IS STRICTLY PROHIBITED.
3. ONLY BOUNDARY SURVEY MAPS WITH THE ORIGINAL PLOTTING AND ORIGINAL SURVEY DATA AND CORRECT COPIES OF THE SURVEYOR'S ORIGINAL PLOTTING AND ORIGINAL SURVEY DATA SHALL BE CONSIDERED VALID FOR THE PURPOSES OF THIS SURVEY.
4. A COPY OF THIS DOCUMENT WITHOUT A SURVEYOR'S SIGNATURE AND SEAL SHALL BE UNAUTHORIZED COPY.
5. ONLY TITLE SURVEYS BEHIND THE JURISDICTION OF THE SURVEYOR SHALL BE CONSIDERED VALID FOR THE PURPOSES OF THIS SURVEY.

1. UNDETERMINED MODIFICATIONS, DELETIONS, ADDITIONS AND CHANGES.
2. THE LOCATION OF THE UNDERGROUND UTILITIES SHALL BE DETERMINED BY THE SURVEYOR OR HIS ASSISTANT AND SHALL BE ESTIMATED. IF ANY UNDERGROUND UTILITIES OR ENCUMBRANCES ARE DISCOVERED OR ENCUMBRANCES ARE NOT COVERED BY THIS SURVEY, THE SURVEYOR SHALL BE RESPONSIBLE TO ADVISE THE CLIENT OF ANY SUCH DISCOVERIES.
3. SURVEY MARKERS WITHOUT THE SURVEYOR'S SIGNATURE AND SEAL SHALL BE UNAUTHORIZED COPY.
4. THIS SURVEY IS NOT VALID FOR THE PURPOSES OF THIS SURVEY UNLESS THE SURVEYOR'S SIGNATURE AND SEAL ARE PRESENT AND THE SURVEY IS NOT CHANGED OR ALTERED BY THIS SURVEYOR.

LEGEND

- These standard symbols may be found in the drawing.
- EXISTING IRON PIPE
 - SET IRON PIPE
 - BOUNDARY
 - CENTERLINE OF ROAD
 - FENCE
 - OVERHEAD UTILITY LINE
 - DRIVE

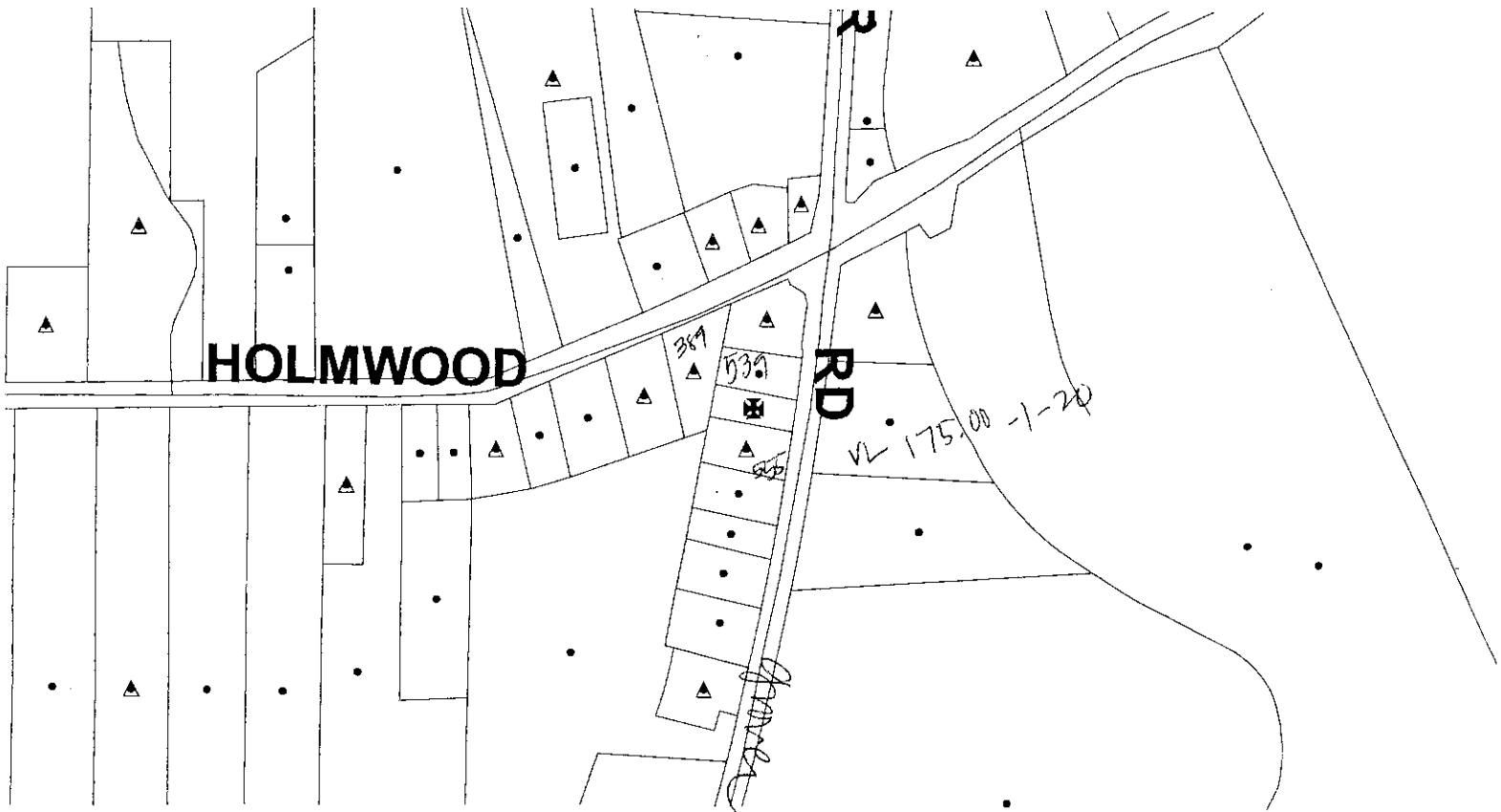


MANGUSO LAND SURVEYING P.C.
FREDERICK M. MANGUSO
 PROF. LAND SURVEYOR
 572 TUSCARORA RD.
 ANGOLAN, NY 14006
 PHONE & FAX 716 549 4717
 LIC NO. 049775-1
 EMAIL OFFICE@MANGUSO.LANDSURVEYING.COM
 SUCCESSION TO THE RECORDS OF
 WILLIAM C. JOHNSON L.S.
 HOWARD B. JOHNSON L.S.
 WELSH L. HOWARD L.S.

547 GROVER ROAD			
DRAWN	DATE	PART OF LOT 46 T9 R6	
GLM	04/25/16	TOWN OF AURORA	
APPROVED	DATE	COUNTY OF ERIE	
TAS	04/25/16	STATE OF NEW YORK	
SCALE	SHEET	PROJECT NO.	
1" = 20'		20160370	

COPYRIGHT © 2015, MANGUSO LAND SURVEYING, PC

Daniel Mombrea
547 Grover Rd
GA
SBL:



Robert & Margo Grant, 539 Grover Rd SA

Lawrence Grosse, 555 Grover Rd, SA

1/2 Grover Rd SBL: 175.00-1-20

(Mailing) Barbara Surowiec, 270 Buffalo Rd #63, SA

Mary Jo Young, 389 Jewett Holmwood Rd, SA



CASE NO. 1303
DATE OF HEARING 8/17/17

Town of Aurora Zoning Board of Appeals
300 Glead Avenue, East Aurora, New York 14052

Zoning Board of Appeals Application Form

I. TYPE OF REQUEST

AREA VARIANCE SPECIAL USE PERMIT USE VARIANCE INTERPRETATION

II. APPLICANT/PETITIONER

Applicant's Name Sherry Barrancotta
Address 2322 Lewis Road
City South Wales State NY ZIP 14739
Phone 716 ix _____ Email COM
Interest in the property (ex: owner/purchaser/developer) OWNER

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 2322 Lewis Road South Wales NY 14739
SBL# 201.00-2-14.1
Property size in acres 2.1 Acres Property Frontage in feet 284.52
Zoning District RR-A Surrounding Zoning RR-A
Current Use of Property Residential

IV. REQUEST DETAIL

(check all that apply)

Variance from Ordinance Section(s) # _____
 Special Use Permit for: _____
 Use Variance for: _____
 Interpretation of _____

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)

Sherry Barrancotta
Signature of Applicant/Petitioner

Sherry Barrancotta
Print name of Applicant/Petitioner

State of New York; County of Erie

On the 11th day of July in the year 2017 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.

Barbara Tobias
Notary Public

(Notary stamp) **BARBARA TOBIAS**
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01T06010580
QUALIFIED IN ERIE COUNTY
COMMISSION EXPIRES 7-20-2018

Office Use Only: Date received: 7/12/17 Receipt #: 228842

Application reviewed by: _____

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

PREVIOUS APPEAL(S):

A previous appeal to the 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 and/or special use permit is being requested and any additional information that may be helpful to the Zoning Board of Appeals in deciding this appeal: (attach additional pages if needed)

I would like to build a three car garage two feet from property line on front of my property

TO BE COMPLETED ONLY WHEN A USE VARIANCE IS BEING REQUESTED:

A Use Variance is requested because the applicable regulations and restrictions in the Zoning Code of the Town of Aurora have caused unnecessary hardship as demonstrated by the following:

1) I cannot realize a reasonable return on my property for each and every permitted use allowed in the current zoning classification as demonstrated by the accompanying financial evidence (provide financial evidence to support your argument).
Financial Evidence Provided Yes ___ No ___ (financial evidence is required per NYS Town Law)

2) Describe why your alleged hardship relating to the subject property is unique and does not apply to other properties in the zoning district or neighborhood: _____

3) Describe why you believe that the essential character of the neighborhood/community will not change if the Zoning Board of Appeals grants you a use variance: _____

4) Is your need for a use variance a result of you own actions (is your difficulty self-created)? Please explain: _____

(Attach additional pages if needed)

SUPERVISOR
James J. Bach
(716) 652-7590
jbach@townofaurora.com

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

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

TOWN COUNCIL MEMBERS

Susan A. Friess
sfriess@townofaurora.com

Jeffrey T. Harris
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Jolene M. Jeffe
jjeffe@townofaurora.com

Charles D. Snyder
csnyder@townofaurora.com

SUPT. OF HIGHWAYS
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(716) 652-4050
highway@townofaurora.com

SUPT. OF BUILDING
Patrick J. Blizniak
(716) 652-7591
building@townofaurora.com

ASSESSOR
Richard L. Dean
assessor@townofaurora.com
(716) 652-0011

DIR. OF RECREATION
Christopher Musshafen
(716) 652-8866
chris@townofaurora.com

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TOWN JUSTICE
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Anthony DiFilippo IV

HISTORIAN
Robert L. Goller
(716) 652-7944
historian@townofaurora.com

FAX: (716) 652-3507
NYS Relay Number:
1(800) 662-1220

Sherry Barroncotta
2322 Lewis Rd
South Wales, NY 14139

7/13/2017

Re: Accessory building in front yard & side yard set back

Sherry,

The Building Dept. has reviewed your application for an accessory building at 2322 Lewis Rd.. We have denied your application because the proposed building does not meet the zoning regulations for accessory buildings as specified in the RR District of the Town Code. We therefore request that you apply to the Town Zoning Board of Appeals for an area variance if you wish to continue with this project.

116-8.4F1

Required: Minimum side yard setback: mean height 11.5'

Requested: 2'

Variance required: 9.5''

116-18A1

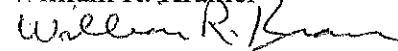
Required: No accessory building in the front yard

Requested: An accessory building in the front yard

Variance required: An accessory building in the front yard

If you wish to pursue this matter further you must apply to the Town of Aurora Zoning Board of Appeals for an Area Variance. You must include your application, application fee, and any information you need to support your need for a variance from the Town Code. If you have any questions contact us at 652-7591.

William R. Kramer


Code Enforcement Officer

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.

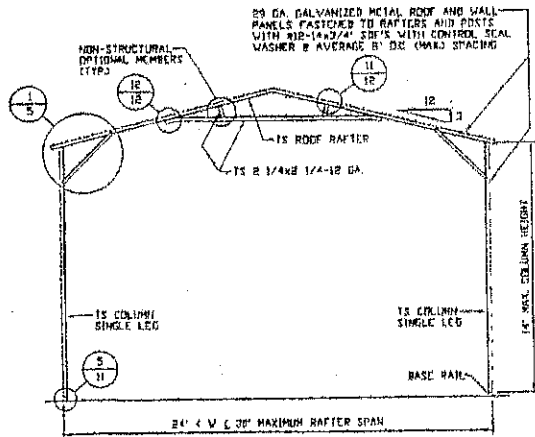
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: Build a three car garage			
Project Location (describe, and attach a location map): 2322 Lewis Road South Wales NY 14139 (see attached)			
Brief Description of Proposed Action: Build a three car garage 2 ft from property line in front yard next to house.			
Name of Applicant or Sponsor: Sherry Ramawatta		Telephone: 7 19	E-Mail: 5
Address: 2322 Lewis Road S			
City/PO: South Wales		State: NY	Zip Code: 14139
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.		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: Building Dept.		NO	YES
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		2.10 acres	
b. Total acreage to be physically disturbed?		less than 1 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		2.10 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 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			

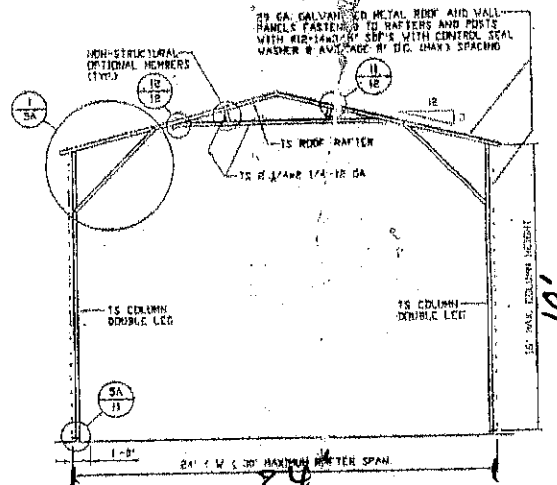
5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO <input checked="" type="checkbox"/>	YES <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: <u>N/A</u>	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: <u>N/A</u>	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO <input checked="" type="checkbox"/>	YES <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? 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: _____	NO <input type="checkbox"/>	YES <input checked="" 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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input checked="" type="checkbox"/>	YES <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: <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	NO <input checked="" type="checkbox"/>	YES <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>Sherry Barrarotta</u>	Date: <u>7/10/17</u>	
Signature: <u>Sherry Barrarotta</u>		

PRINT FORM

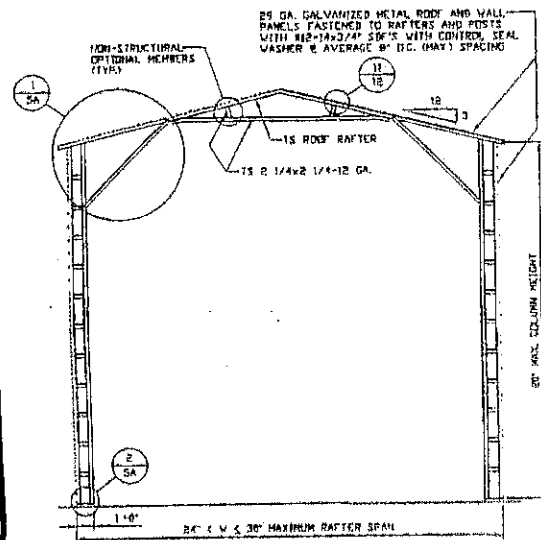


TYPICAL RAFTER/COLUMN FRAME SECTION
SCALE: NTS

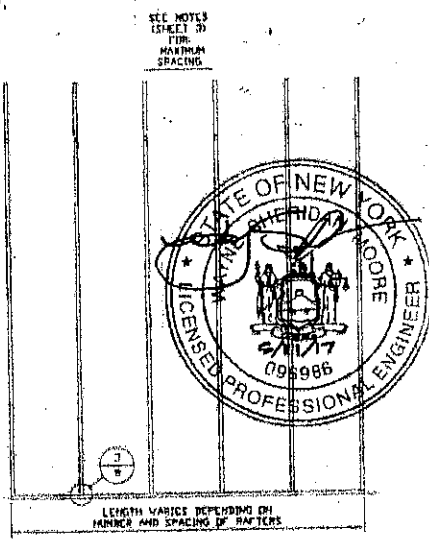


TYPICAL RAFTER/COLUMN FRAME SECTION
SCALE: NTS

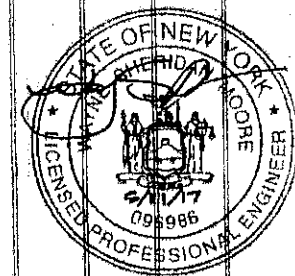
mean 11'6"



TYPICAL RAFTER/COLUMN FRAME SECTION
SCALE: NTS



TYPICAL RAFTER/COLUMN SIDE FRAMING SECTION
SCALE: NTS



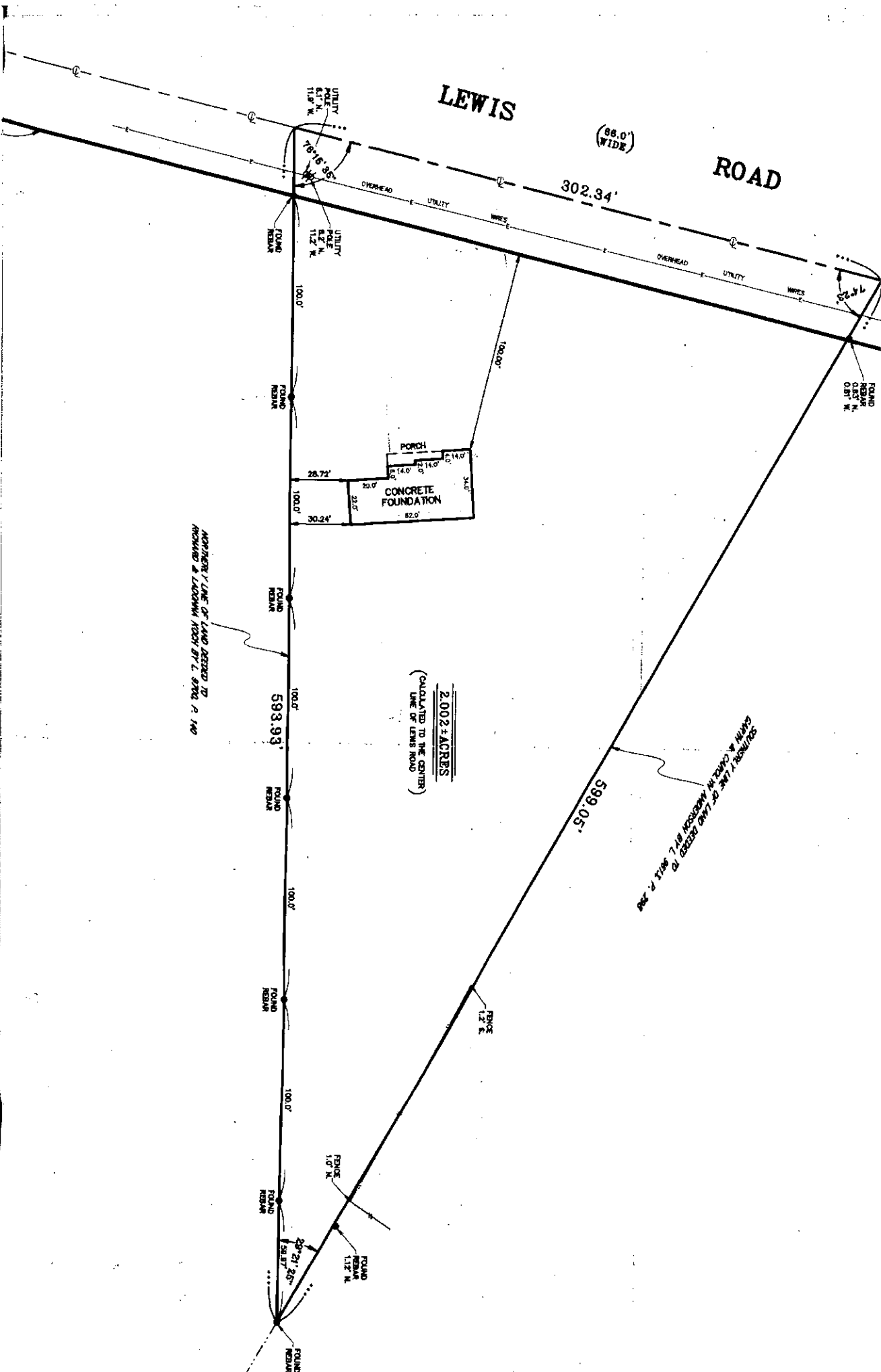
MOORE AND ASSOCIATES ENGINEERING AND CONSULTING, INC.	DRAWN BY: LT	CAROLINA CARPORTS, INC 187 CARDINAL RIDGE TRAIL DOBSON, NC 27017 30'x20' HSP ENCLOSED STRUCTURE		
	CHECKED BY: PDH	DATE: 4-6-17	SCALE: NTS	JOB NO: 162085
THIS DOCUMENT IS THE PROPERTY OF MOORE AND ASSOCIATES ENGINEERING AND CONSULTING, INC. UNAUTHORIZED REPRODUCTION, COPYING, OR OTHERWISE USE OF THIS DOCUMENT IS STRICTLY PROHIBITED AND ANY INFRINGEMENT THEREOF MAY BE SUBJECT TO LEGAL ACTION.	PROJECT MGR: VSH	SHT. 4A	DWG. NO: SK-3	REV: 1
	CLIENT: CAROLINA CARPORTS			

LEWIS

(86.0' WIDE)

ROAD

302.34'



APPROXIMATE LINE OF LAND REFERRED TO RICHARD & LADONIA MOORE BY L. 9720 P. 140

2.0023 ACRES
(CALCULATED TO THE CENTER)
(LINE OF LEWIS ROAD)

SOUTHERLY LINE OF LAND REFERRED TO JOHN & CAROL ANN ANDERSON BY L. 9815 P. 284

FENCE 1.0' N.
FOUNDRY FOUND 112° N.
FOUNDRY FOUND 112° N.
FOUNDRY FOUND 112° N.

FENCE 127° E.

28° 21' 25"
28.72'
30.24'

PORCH
CONCRETE FOUNDATION

UTILITY POLE 112° N. 100.0'

UTILITY POLE 112° N. 100.0'

FOUNDRY FOUND 112° N. 100.0'

FOUNDRY FOUND 112° N. 100.0'

FOUNDRY FOUND 112° N. 100.0'

FOUNDRY FOUND 112° N. 100.0'

FOUNDRY FOUND 112° N. 100.0'

FOUNDRY FOUND 112° N. 100.0'

FOUNDRY FOUND 112° N. 100.0'

FOUNDRY FOUND 112° N. 100.0'

FENCE 127° E.

FOUNDRY FOUND 112° N. 100.0'

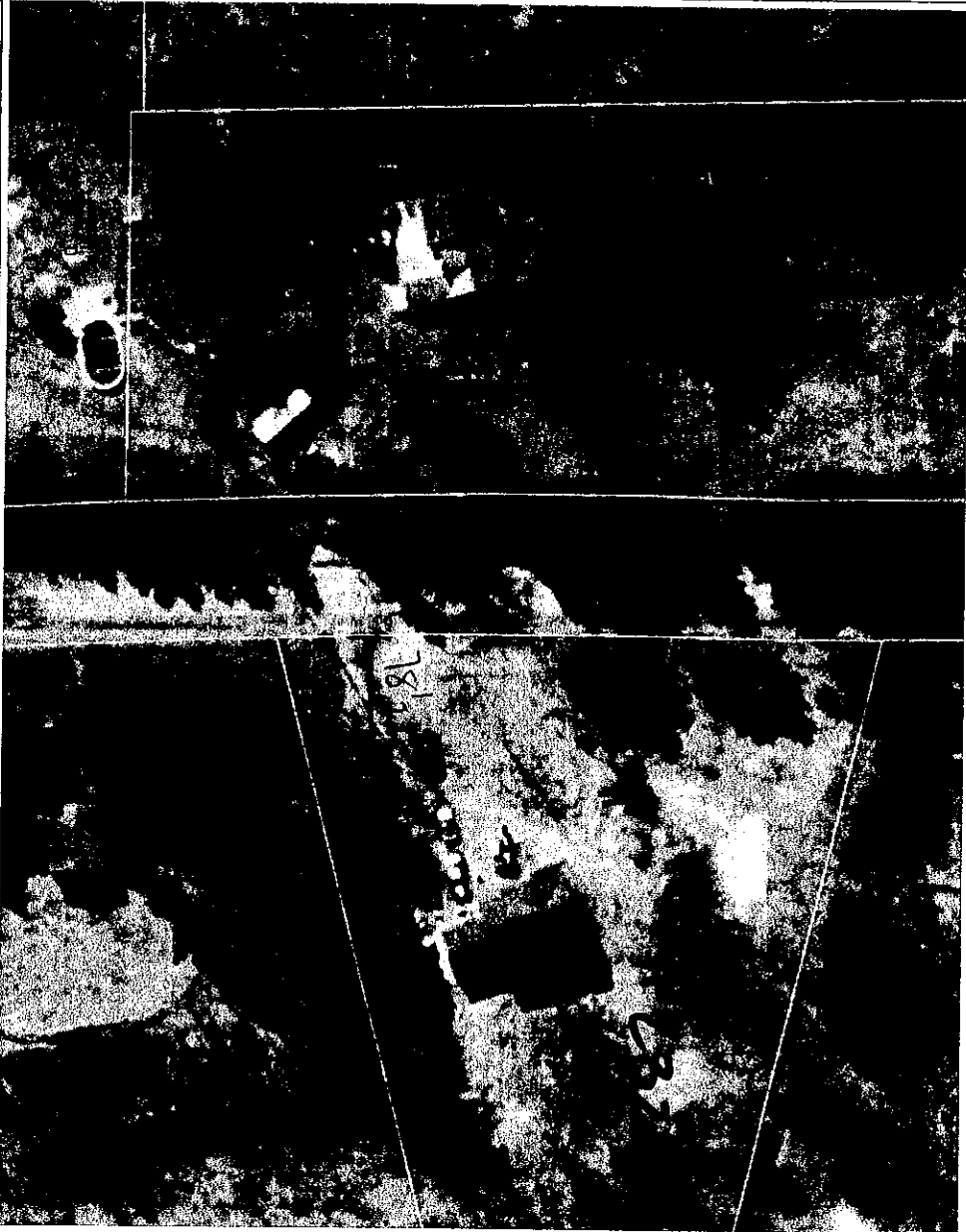
UTILITY POLE 112° N. 100.0'

UTILITY POLE 112° N. 100.0'

UTILITY POLE 112° N. 100.0'



Erie County On-Line Mapping Application



- Legend**
- Parcels
 - Municipal Boundaries

0 94.04 188.1 Feet

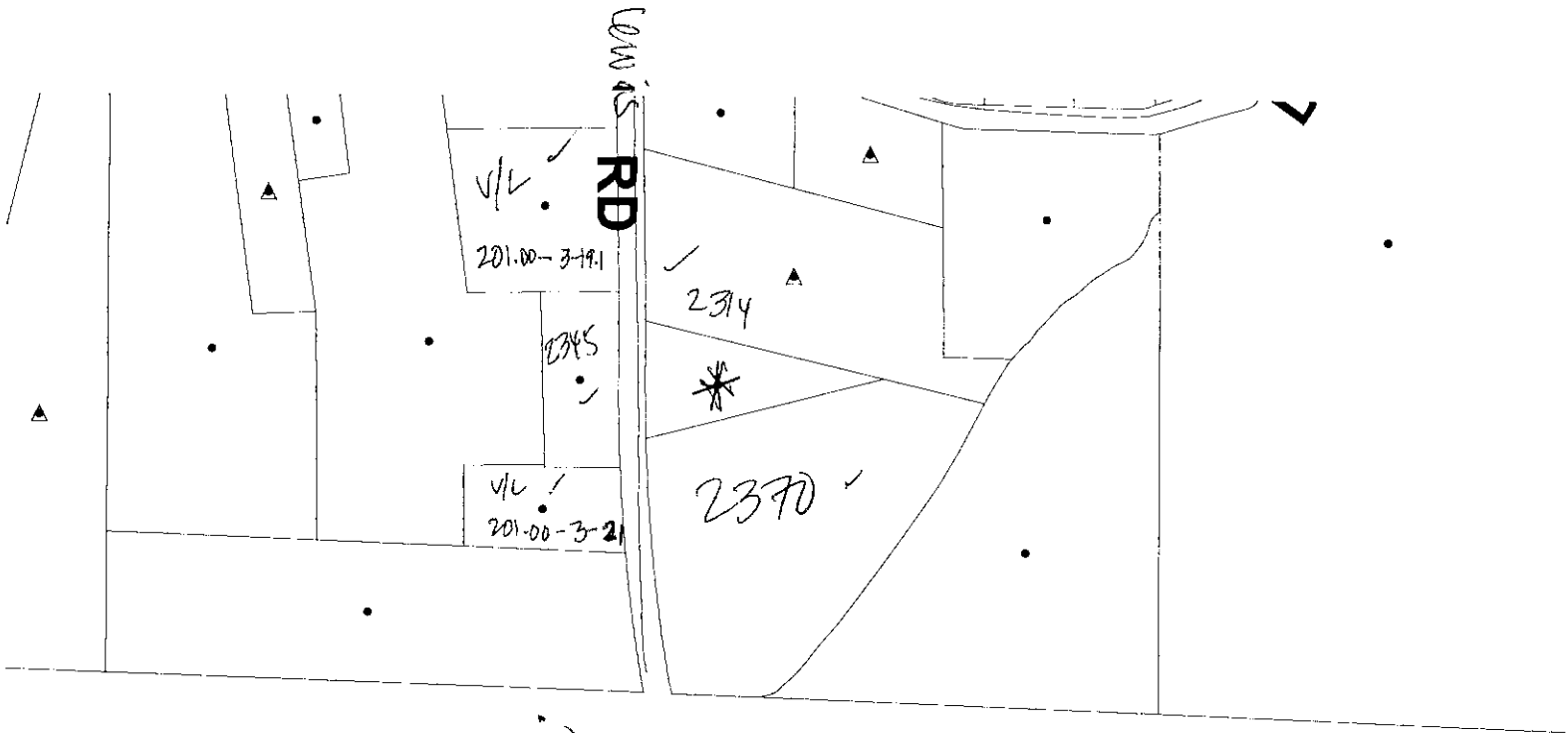
**ERIE COUNTY
DEPARTMENT OF ENVIRONMENT & PLANNING
OFFICE OF GIS**

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

1: 1,128



James +
Sherry Barrancotta
2322 Lewis Rd
S. Wales 14139
SBL: 201.00-2-14.1



Joseph + ^{BERTINO} Connie Bertino, 2314 Lewis Rd, S. Wales 14139

Kenneth Trbovich, 2370 Lewis Rd, S. Wales 14139

Lawrence + Diana De Groat, 2315 Lewis Rd, S. Wales 14139

+ v/l 201.00-3-19.1

+ v/l 201.00-3-21



CASE NO. 1304

DATE OF HEARING 8.17.17

Town of Aurora Zoning Board of Appeals
300 Glead Avenue, East Aurora, New York 14052

Zoning Board of Appeals Application Form

I. TYPE OF REQUEST

AREA VARIANCE SPECIAL USE PERMIT USE VARIANCE INTERPRETATION

II. APPLICANT/PETITIONER

Applicant's Name David + Susan Carpenter
Address 45 Los Robles Street.
City Williamsville State NY ZIP 14221
Phone _____ Fax _____ Email INC.COM
Interest in the property (ex: owner/purchaser/developer) purchaser

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

Property Owner(s) Name(s) CMK Builders of Alden Inc
Address 1663 Countryline Rd
City Alden State NY ZIP 14004
Phone 716 890-6016 Fax _____ Email _____

III. PROPERTY INFORMATION

Property Address 706 Falls Rd
SBL# part of 199.00-3-15.21
Property size in acres 5.01 Ac Property Frontage in feet _____
Zoning District RR/A Surrounding Zoning RR/A
Current Use of Property V/L New construction under permit

IV. REQUEST DETAIL

(check all that apply)

Variance from Ordinance Section(s) # _____
 Special Use Permit for: _____
 Use Variance for: _____
 Interpretation of _____

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)

Susan Carpenter
Signature of Applicant/Petitioner

Susan Carpenter
Print name of Applicant/Petitioner

State of New York; County of Erie

On the 18th day of July in the year 2017 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.

Sheryl A. Miller
Notary Public

SHERYL A. MILLER
Reg. #01MI6128663
Notary Public, State of New York
(Notary stamp) Qualified in Erie County
Commission Expires June 13, 2021

Office Use Only: Date received: 7/18/17 Receipt #: 228850

Application reviewed by: _____

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

PREVIOUS APPEAL(S):

A previous appeal to the 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 and/or special use permit is being requested and any additional information that may be helpful to the Zoning Board of Appeals in deciding this appeal: (attach additional pages if needed)

See Attached

TO BE COMPLETED ONLY WHEN A USE VARIANCE IS BEING REQUESTED:

A Use Variance is requested because the applicable regulations and restrictions in the Zoning Code of the Town of Aurora have caused unnecessary hardship as demonstrated by the following:

1) I cannot realize a reasonable return on my property for each and every permitted use allowed in the current zoning classification as demonstrated by the accompanying financial evidence (provide financial evidence to support your argument).
Financial Evidence Provided Yes ___ No ___ (financial evidence is required per NYS Town Law)

2) Describe why your alleged hardship relating to the subject property is unique and does not apply to other properties in the zoning district or neighborhood: _____

3) Describe why you believe that the essential character of the neighborhood/community will not change if the Zoning Board of Appeals grants you a use variance: _____

4) Is your need for a use variance a result of you own actions (is your difficulty self-created)? Please explain: _____

(Attach additional pages if needed)

Town of Aurora
300 Gleed Avenue
East Aurora, NY 14052
www.townofaurora.com

**Zoning Board of Appeals
Application
Owner Authorization**


The undersigned, who is the owner of the premises know as:

706 Falls Rd. Town of Aurora..... identified as Tax Map (SBL) # part of 199-20-3-15.21
(address)

hereby authorizes David & Susan Carpenter..... to bring an application for area variance
 special use permit use variance interpretation before the Town of Aurora Zoning Board of
Appeals for review and potential approval. The undersigned further permits the Town or its authorized
representative(s) access to the property to review existing site conditions during the review process.

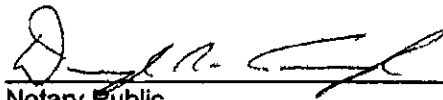
KEVIN STOLDT
Owner (print)

7-20-17
Date


Owner (signature)

STATE OF NEW YORK)
 SS
COUNTY OF ERIE)

On this 20th day of July, 2017, before me, the undersigned, a notary public in and for said state, personally appeared Kevin Stoldt, 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 that 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.

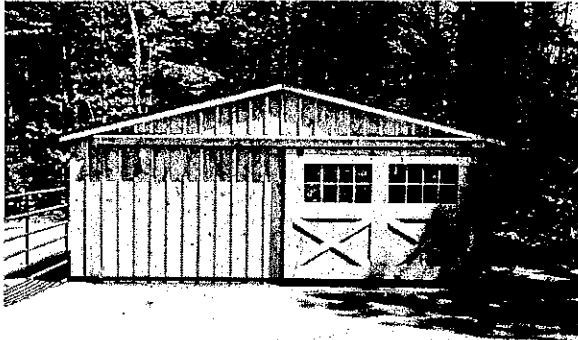

Notary Public

DOUGLAS R TRUMPLER
NOTARY PUBLIC, State of New York
Qualified in Erie County 4/27/2019
My Commission Expires

CMK Builders / David and Susan Carpenter (buyers)

The Carpenter had this barn built in August 2016 at their Maine property before moving to Western New York in May 2017. They will build this barn on Lot 3 - Fall Road in Aurora (West Falls). Due to the property, CMK builders will flip this plan for proper orientation on the property and proper perspective from the new build house.

Recent Zoning setback have been put in place, recommending 300' Front setback. This would place the barn and the miniature animals in the wet portion of the property. The request is to move the barn to a position of 260' Front setback. Additionally, this would allow for closer proximity to the house for animal safety.





SUPERVISOR

James J. Bach
(716) 652-7590
jbach@townofaurora.com

TOWN CLERK

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

TOWN OF AURORA

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Robert L. Goller
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historian@townofaurora.com

FAX: (716) 652-3507
NYS Relay Number:
1(800) 662-1220

David & Susan Carpenter
45 Los Robles St
Williamsville, NY 14221

7/19/2017

Re: keeping of animals at 706 Falls Rd.

David & Susan,

The Building Dept. has reviewed your application for an accessory building in the RR zoned area of your property at 706 Falls Rd. At that time you had indicated that the barn would be used to house four large domestic animals. This would be contrary to section 116-8.4A 10(b) which states that you would be allowed no more than 2 of any species of domestic animals other than chickens or poultry. We therefore request that you apply to the Town Zoning Board of Appeals for an area variance if you wish to maintain the barn for this number of animals in this location.

116-8.4A 10(b)

Required: no more than 2 of any other species of domestic animals

Requested: 2 miniature ponies & 2 miniature donkeys

Variance; 2 domestic animals of the same species.

If you wish to pursue this matter further you must apply to the Town of Aurora Zoning Board of Appeals for an Area Variance. You must include your application, application fee, and any information you need to support your need for a variance from the Town Code. If you have any questions contact us at 652-7591.

William R. Kramer

Code Enforcement Officer

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

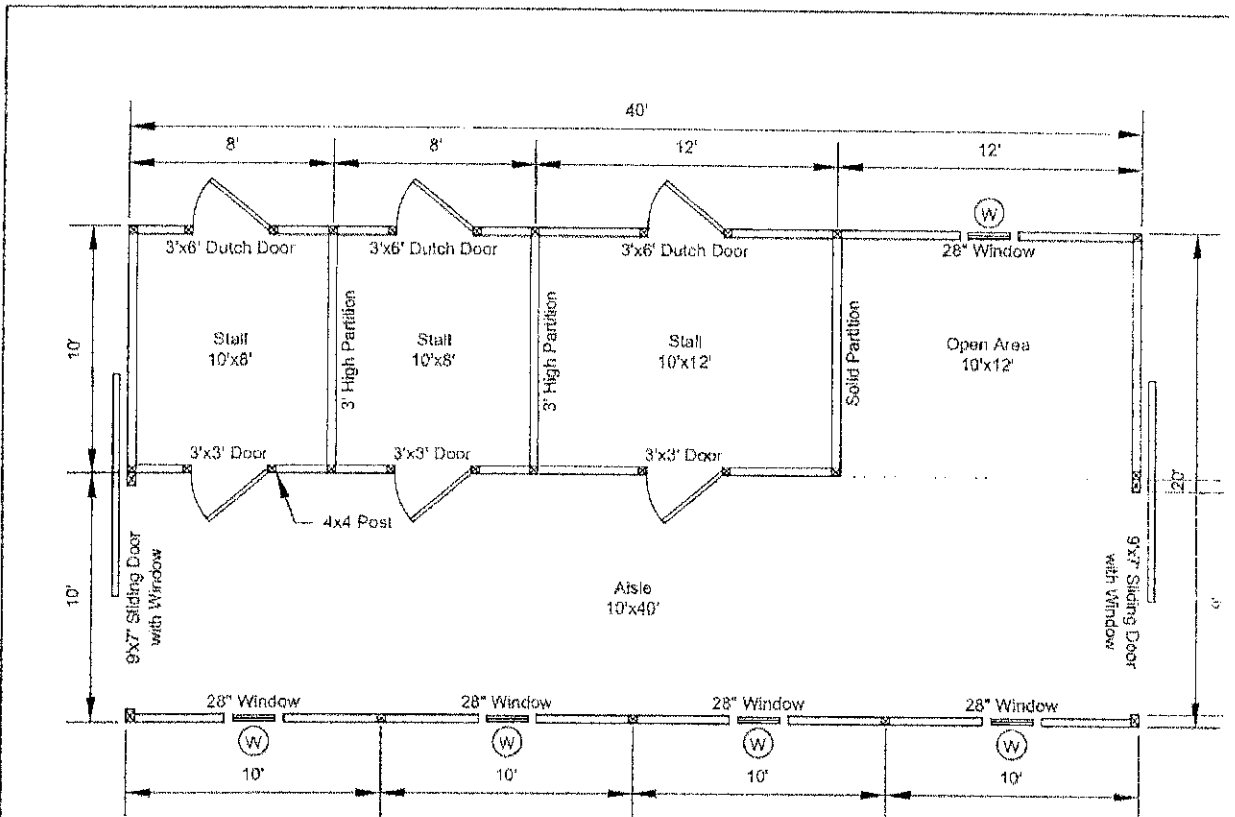
Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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.

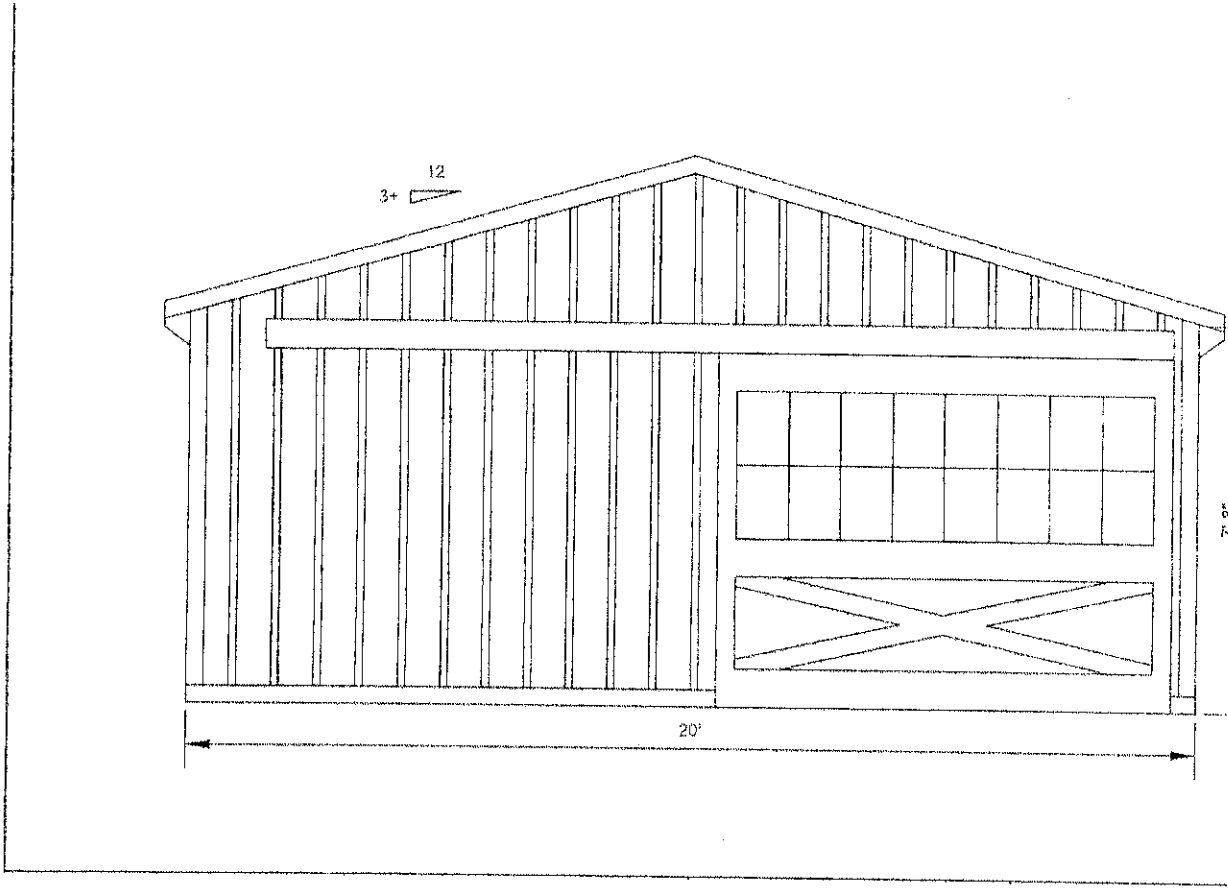
Part 1 - Project and Sponsor Information							
Name of Action or Project: CMK Builders / David or Susan Carpenter - New build barn placement							
Project Location (describe, and attach a location map): Town of Aurora Vacant lot - Falls Road - Part of lot 41, Township 9, Range 6							
Brief Description of Proposed Action: Placement of 20' x 40' barn. New home to be built centered 70' wide on property 140' back from road approx 80' from sides of abutting property with a 500' to rear of property. Due to wet ground, presence of coyotes and animal safety request placement of front of barn at 260' from road closer to house, human activity to protect 4 miniature animals (2 horses + 2 donkeys) and to avoid muddy terrain.							
Name of Applicant or Sponsor: CMK Builders or David or Susan Carpenter		Telephone: _____					
		E-Mail: _____					
Address: 45 Los Robles Street							
City/PO: Williamsville		State: NY	Zip Code: 14221				
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> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </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> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </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?		<u>0.620</u> acres					
b. Total acreage to be physically disturbed?		<u>0.620</u> acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>5.000</u> 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 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<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?	<input type="checkbox"/>	<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: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<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: <u>meets energy code requirements</u>	<input type="checkbox"/>	<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: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: <u>no waste water</u>	<input checked="" type="checkbox"/>	<input 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input 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?	<input checked="" type="checkbox"/>	<input 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"/>	<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 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100 year flood plain?	<input checked="" type="checkbox"/>	<input 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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

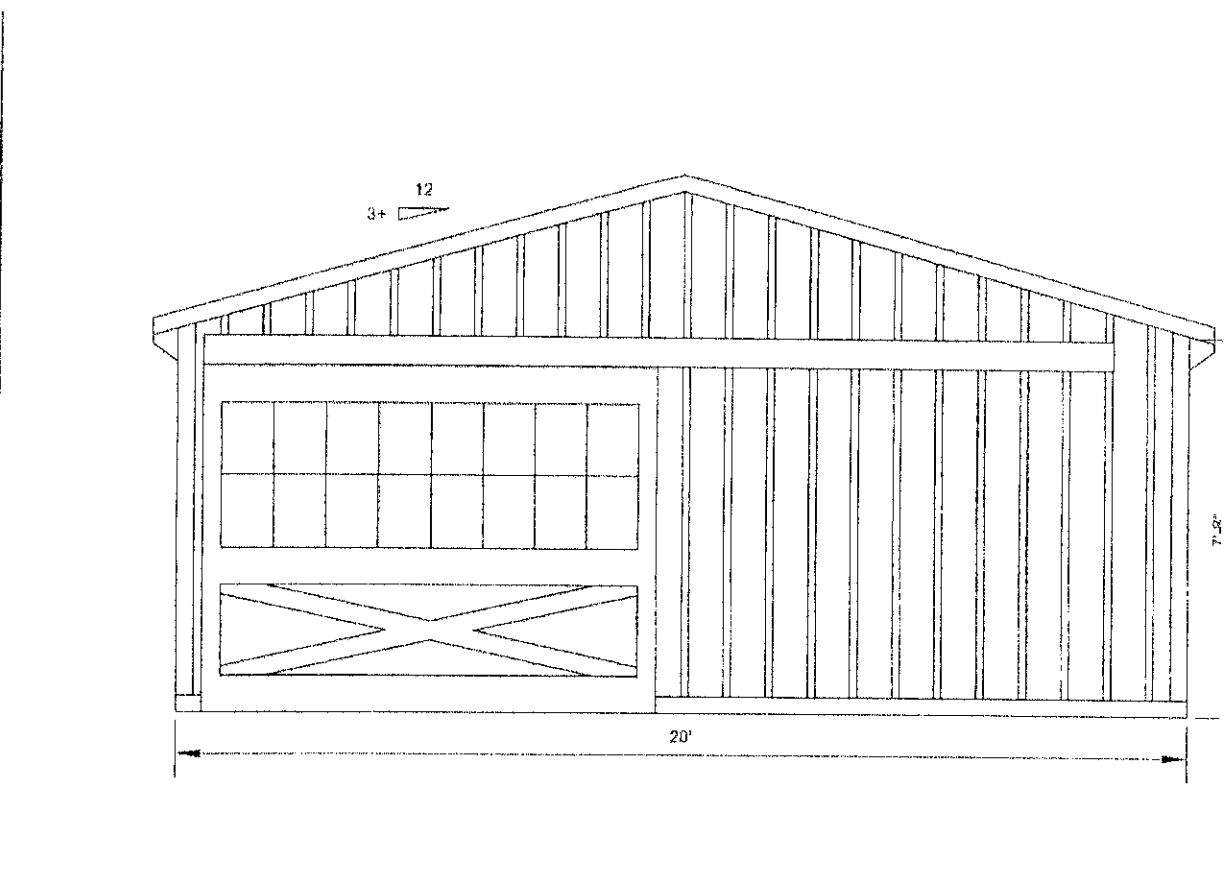
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
19. Has the 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>David Carpenter</u>		Date: <u>7-17-2017</u>
Signature: <u>David D. Carpenter</u>		

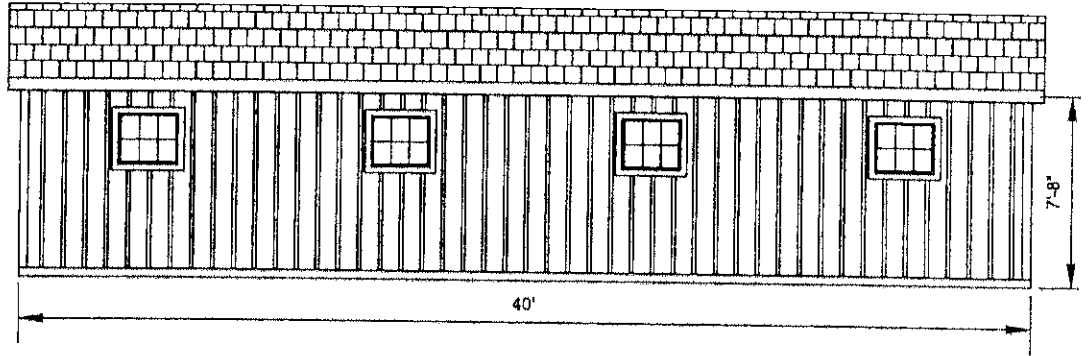


Vertical text on the left margin of the top drawing, likely a reference or identification number.



Vertical text on the left margin of the bottom drawing, likely a reference or identification number.

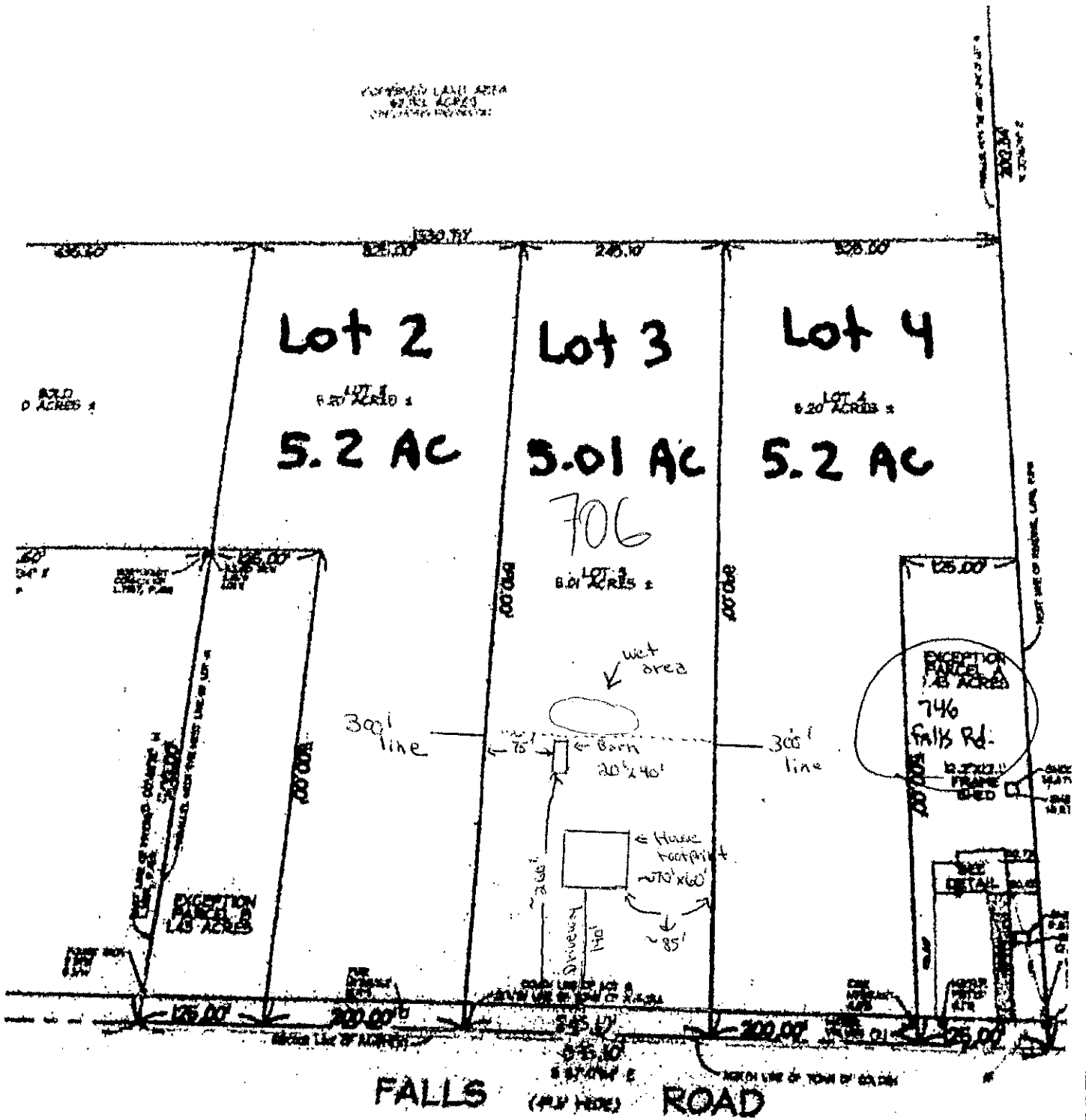




Sent from my iPhone

- Attachments:
- FullSizeRender.jpg (135KB)
 - IMG_2100.PNG (195KB)
 - FullSizeRender.jpg (160KB)
 - IMG_2102.PNG (297KB)
 - FullSizeRender.jpg (162KB)
 - FullSizeRender.jpg (122KB)
 - FullSizeRender.jpg (119KB)
 - FullSizeRender.jpg (140KB)

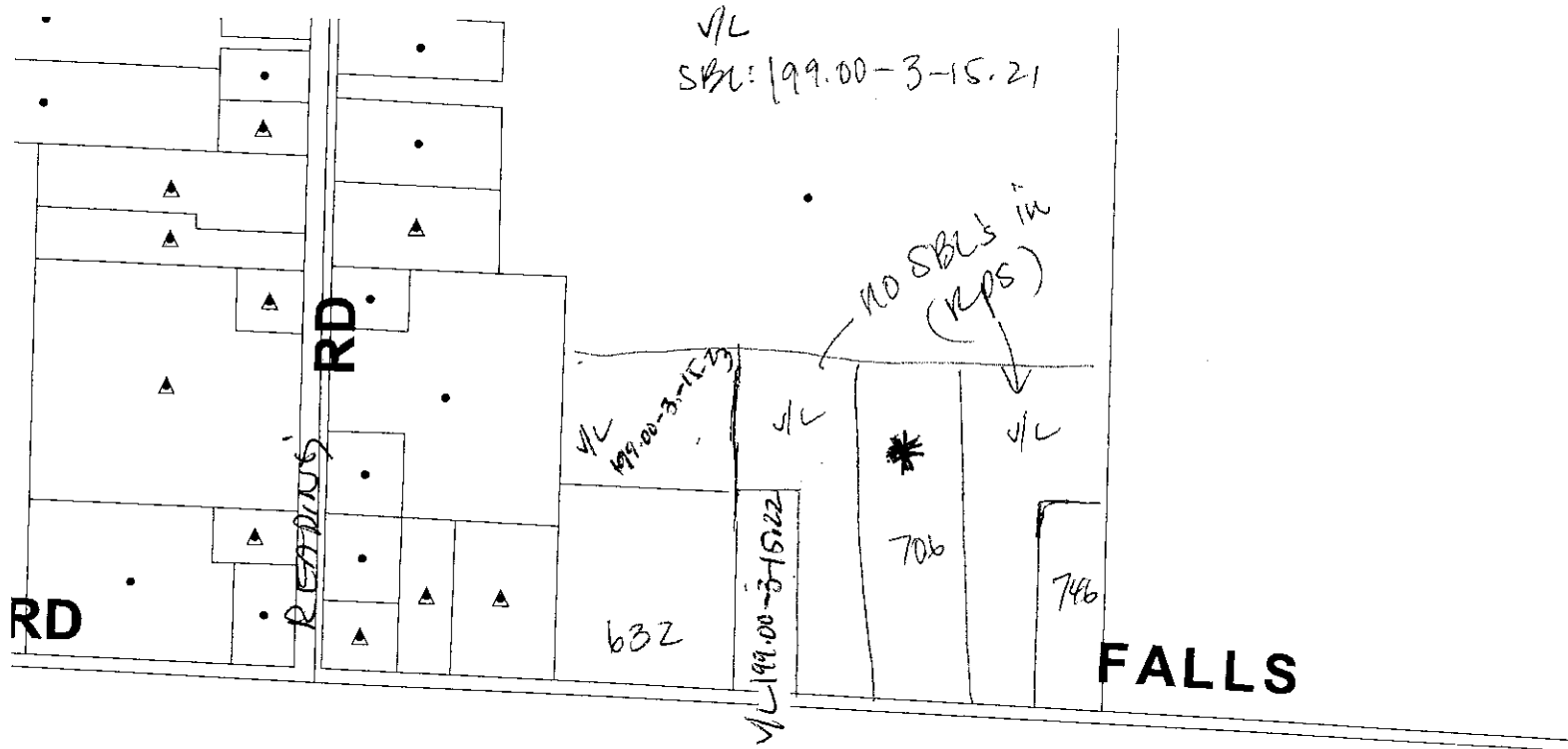
CONTINGED LANE AREA
8.27 ACRES
CONTRACT NO. 100-100-100



Variance

Proposal: Move barn 40 feet forward
out of wet area and closer
to house for safety

David & Susan Carpenter
 (aof: CMK Builders of Alden Inc
 → 1663 Countryline Rd Alden 14001
 → mailing 45 Los Robles St Wmsville
 14221
 706 Falls Rd WF
 part of 199.00-3-15.21



Falls Road Wc v/L Falls 199.00-3-15.21
 → 40 Wildwood Ln op 14127

Daniel & Deborah Cotrupe 632 Falls Rd WF 14170

Jeffrey Gicewicz 746 Falls Rd
 → mailing 1595 Sweet Rd EA

town of
 Colden
 State of
 Colden NY

Deborah Cotrupe & Leigh Dye v/L Falls 199.00-3-15.22
 → mailing 1548 W. Meadowbrook Rd Littleton CO 80120

- Review -



CASE NO. 1268 Review

DATE OF HEARING 8.17.17

Town of Aurora Zoning Board of Appeals
300 Glead Avenue, East Aurora, New York 14052

Zoning Board of Appeals Application Form

I. TYPE OF REQUEST

AREA VARIANCE Review of SPECIAL USE PERMIT USE VARIANCE INTERPRETATION

II. APPLICANT/PETITIONER

Applicant's Name J Neene Sexton
Address 301 Porterville Road
City East Aurora State NY ZIP 14052
Phone 716 Fax — Email —
Interest in the property (ex: owner/purchaser/developer) Owner

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 301 Porterville Rd East Aurora NY 14052
SBL# 165.13-4-50
Property size in acres 3/4 Property Frontage in feet _____
Zoning District R1 Surrounding Zoning R1
Current Use of Property Residential

IV. REQUEST DETAIL

(check all that apply)
 Variance from Ordinance Section(s) # _____
 Special Use Permit for: Chickens (8 hens) and 1 beehive
 Use Variance for: _____
 Interpretation of _____

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)

Maenee Sexton
Signature of Applicant/Petitioner

Maenee Sexton
Print name of Applicant/Petitioner

State of New York; County of Erie

On the 8 day of July in the year 2017 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.

Martha Librock
Notary Public

MARTHA L. LIBROCK
Notary Public, State of New York
(Notary stamp) No. 01LI5028312
Qualified in Erie County
My Commission Expires May 31, 2018

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 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 and/or special use permit is being requested and any additional information that may be helpful to the Zoning Board of Appeals in deciding this appeal: (attach additional pages if needed)

We would like to continue to have at most 8 laying hens at our house. The hens are housed in a moveable coop as well as an outdoor fenced pen.

While we lost our bee hive over the winter, we would like to be able to have another hive in the future.

TO BE COMPLETED ONLY WHEN A USE VARIANCE IS BEING REQUESTED:

A Use Variance is requested because the applicable regulations and restrictions in the Zoning Code of the Town of Aurora have caused unnecessary hardship as demonstrated by the following:

- 1) I cannot realize a reasonable return on my property for each and every permitted use allowed in the current zoning classification as demonstrated by the accompanying financial evidence (provide financial evidence to support your argument).

Financial Evidence Provided Yes _____ No _____ (financial evidence is required per NYS Town Law)

- 2) Describe why your alleged hardship relating to the subject property is unique and does not apply to other properties in the zoning district or neighborhood: _____

- 3) Describe why you believe that the essential character of the neighborhood/community will not change if the Zoning Board of Appeals grants you a use variance: _____

- 4) Is your need for a use variance a result of you own actions (is your difficulty self-created)? Please explain: _____

(Attach additional pages if needed)

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: <div style="text-align: center; font-size: 1.2em;">Chickens and bees</div>																		
Project Location (describe, and attach a location map): <div style="text-align: center; font-size: 1.2em;">361 Porterville Road East Aurora NY 14052</div>																		
Brief Description of Proposed Action: <div style="text-align: center; font-size: 1.2em;">Continuation of keeping up to 8 laying hens and 1 bee hive.</div>																		
Name of Applicant or Sponsor: <div style="text-align: center; font-size: 1.2em;">Uneene Sexton</div>		Telephone: <div style="text-align: center; font-size: 1.2em;">68</div>																
Address: <div style="text-align: center; font-size: 1.2em;">361 Porterville Road</div>		E-Mail: <div style="text-align: center; font-size: 1.2em;">um</div>																
City/PO: <div style="text-align: center; font-size: 1.2em;">East Aurora</div>		State: <div style="text-align: center; font-size: 1.2em;">NY</div>	Zip Code: <div style="text-align: center; font-size: 1.2em;">14052</div>															
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> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </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> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </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?		<div style="text-align: center; font-size: 1.2em;">3/4</div> acres																
b. Total acreage to be physically disturbed?		<div style="text-align: center; font-size: 1.2em;">—</div> acres																
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<div style="text-align: center; font-size: 1.2em;">3/4</div> acres																
4. Check all land uses that occur on, adjoining and near the proposed action.																		
<table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> Urban</td> <td><input type="checkbox"/> Rural (non-agriculture)</td> <td><input type="checkbox"/> Industrial</td> <td><input type="checkbox"/> Commercial</td> <td><input checked="" type="checkbox"/> Residential (suburban)</td> </tr> <tr> <td><input type="checkbox"/> Forest</td> <td><input type="checkbox"/> Agriculture</td> <td><input type="checkbox"/> Aquatic</td> <td colspan="2"><input type="checkbox"/> Other (specify): _____</td> </tr> <tr> <td colspan="5"><input type="checkbox"/> Parkland</td> </tr> </table>				<input type="checkbox"/> Urban	<input type="checkbox"/> Rural (non-agriculture)	<input type="checkbox"/> Industrial	<input type="checkbox"/> Commercial	<input checked="" type="checkbox"/> Residential (suburban)	<input type="checkbox"/> Forest	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Aquatic	<input type="checkbox"/> Other (specify): _____		<input type="checkbox"/> Parkland				
<input type="checkbox"/> Urban	<input type="checkbox"/> Rural (non-agriculture)	<input type="checkbox"/> Industrial	<input type="checkbox"/> Commercial	<input checked="" type="checkbox"/> Residential (suburban)														
<input type="checkbox"/> Forest	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Aquatic	<input type="checkbox"/> Other (specify): _____															
<input type="checkbox"/> Parkland																		

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>J Neene Sexton</u>		Date: <u>7/31/17</u>
Signature: <u>J Neene Sexton</u>		

ZONING BOARD OF APPEALS
TOWN OF AURORA
DECISION

RE: APPEAL NO. 1268

A public hearing on the Application of Jason and J'Neene Sexton, Petitioners, 301 Porterville Road, East Aurora, New York having been called before the Zoning Board of Appeals in the Southside Municipal Building, 300 Gleed Street, on the 19th day of May, 2016 at 8:00 p.m., after due notice published in the East Aurora Advertiser as prescribed in Section 267-a, Subdivision 7 of the Town Law and Section 116-61 F of the Code of the Town of Aurora (Exhibit 3).

There were present:

Albert Salter
Donald Aubrecht
James Whitcomb
Wayne Nowocin
Albert Salter

The secretary read the Notice of Public Hearing and the Affidavit of Publication which were duly marked as exhibits herein. Exhibits 1 and 2.

Petitioners seek a special use permit to keep a maximum of eight chickens and one bee hive at 301 Porterville Road SBL #165.13-4-4.50 in an R-1 zone (the "Premises"). Exhibit 3.

Petitioners and their children appeared.

No one else appeared.

At a duly convened public meeting held on the 19th day of March, 2016 and after said public meeting, the Zoning Board of Appeals finds as follows:

Findings

1. This is an Unlisted Action pursuant to Article 8 of New York State Environmental Conservation Law and the regulations promulgated thereunder, Part 617 of Title 6 of the New York Code of Rules and Regulations (SEQR). At the hearing the Board issued a negative declaration pursuant to SEQR, dated May 19, 2016 which is filed herewith.
2. Petitioners propose to keep up to eight chickens and one bee hive at the Premises which is in an R-1 zone. Town Code § 116-19 allows the keeping of chickens and bees in an R-1 zone only upon grant of a special use permit by this Board on such conditions as the Board may impose.

3. The bee hive will be kept by Petitioners as a hobby and to produce honey for personal use. Petitioners have taken courses on the keeping of bees.
4. The Premises is approximately is .86 acres. Exhibit 6. The hive in the front yard adjacent to the woods. The hive will have from 8,000 to 10,000 bees. The bees located in the bee hives may travel up to several miles to collect pollen. Bees in gathering pollen will pollenate the plants from which they gather pollen. Pollination is necessary for fertilization and reproduction of plants. Thus, the bees will benefit any plants located in the area.
5. Petitioner also seeks to keep up to eight chickens. They presently own four chickens and buy chickens six at time which is required. They keep only hens, no roosters. The chickens will produce eggs which will be for personal consumption and to give to friends and neighbors.
6. They will be housed in a 6 foot by 12 foot mobile chicken tractor coop which can be moved around the yard. Any waste will be disposed of on site.
7. The Board will review the special use in one year to determine if there are have been any complaints concerning the bees or the chickens.
8. It is also noted that the front yard lot frontage is only 100 feet, whereas 125 feet is required in an R-1 zone. Given that this occurred due a mistake by the Building Department and due to no fault of the Petitioners, a variance will be granted to bring the lot into compliance with the Code.
9. A Special Use Permit allows land uses on such requirements as to assure that the proposed use is in harmony with our zoning ordinances and will not adversely affect the neighborhood if such requirements are met. Applying the foregoing, the Board finds that the Special Use Permit should be granted subject to the condition that Petitioners will be allowed only one hive, up to eight chickens and this permit will be reviewed after a year. As such, issuance of a Special Use Permit is in harmony the Town Zoning Ordinances and will not adversely affect the neighborhood.

James Whitcomb made a motion to grant the Petitioners a 25 foot lot width variance and a special use permit to keep up to eight chickens, no roosters and a bee hive at the Premises, on the condition that the Board will review this special use permit in one year.

Wayne Nowocin seconded the motion.

On a roll call, the vote was

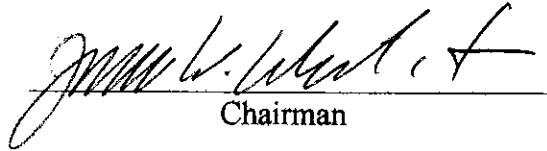
Albert Salter	Aye
Donald Aubrecht	Aye
James Whitcomb	Aye
Wayne Nowocin	Aye

Davis Heussler

Aye

RESOLVED, that the special use permit applied for by Jason and J'Neene Sexton, Petitioners, in their Application No. 1268 be and hereby is granted subject to the conditions set forth herein.

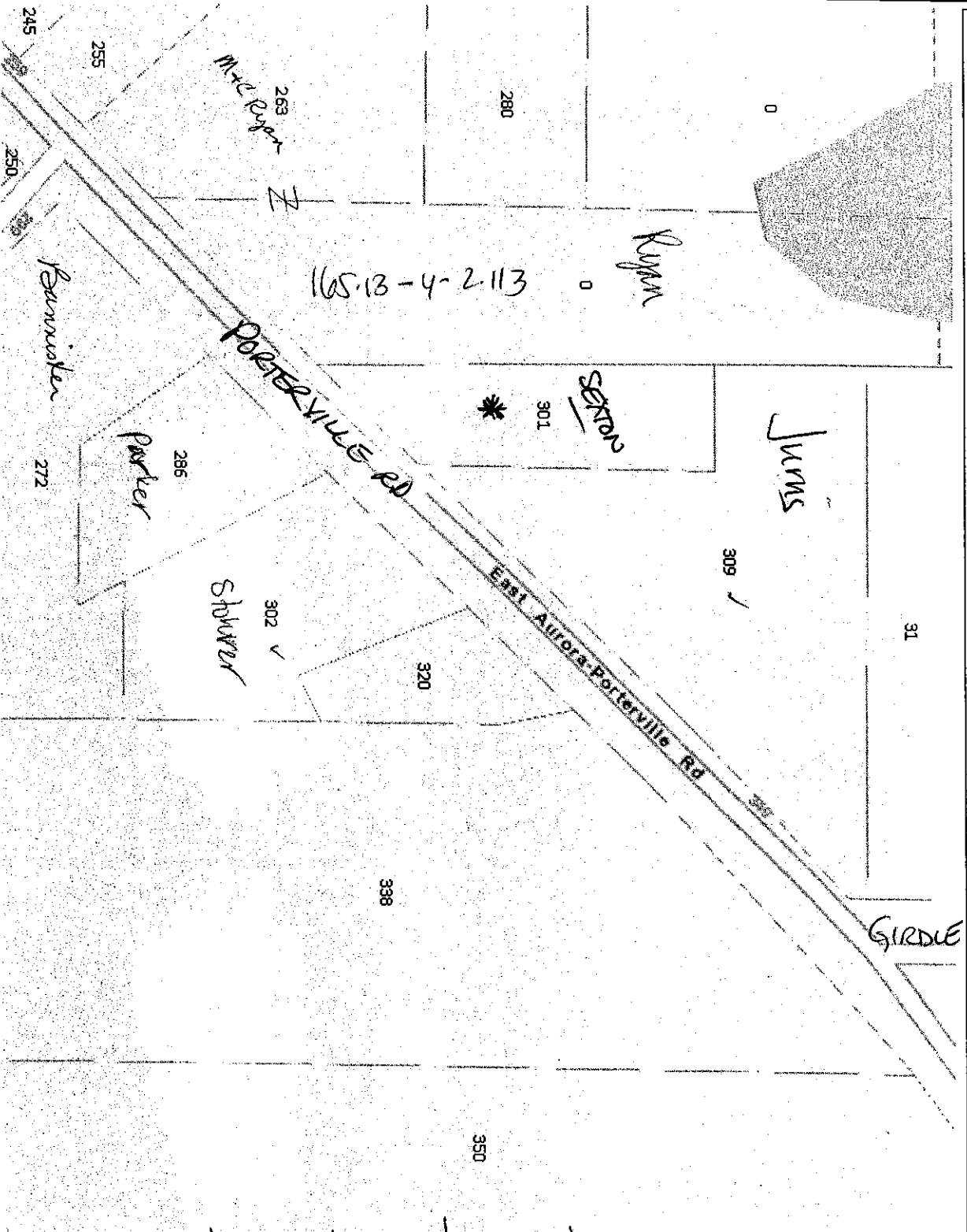
Dated: East Aurora, New York
May 19, 2016


Chairman

1268Sexton



Erie County On-Line Mapping Application



0 188.08 376.2-Feet
 WGS 1984 Web Mercator Auxiliary Sphere
 THIS MAP IS NOT TO BE USED FOR NAVIGATION

ERIE COUNTY
 DEPARTMENT OF ENVIRONMENT & PLANNING
 OFFICE OF GIS

This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

- Legend**
- Parcels
 - Municipal Boundaries

- ← Kate & Peter Jurns
309 Porterville St
- ← Edwin & Carol Shover
302 Porterville St
- ← Christine Parker
286 Porterville St
- ← Michael & Colleen Rygan
w/c Porterville
Sub: 165-13-4-2-113
80 Box 702, SA.
- ← Robert & Teri Bannister
272 Porterville St

1: 2,257