



CASE NO. 1333

DATE OF HEARING 2/11/19

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 CRISTINA AND CRAIG POLSTON
Address 405 OAKWOOD
City EAST AURORA State NY ZIP 14052
Phone _____ Fax _____ Email _____
Interest in _____ (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 1757 EMBURY ROAD
SBL# 200.00-2-13.1
Property size in acres 2.87 Property Frontage in feet 421'
Zoning District RURAL RESIDENTIAL Surrounding Zoning RURAL
Current Use of Property RURAL RESIDENTIAL

IV. REQUEST DETAIL

(check all that apply)

Variance from Ordinance Section(s) # MIN SIZE OF A DWELLING 116-8.4.C
 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)

C. Palston

Signature of Applicant/Petitioner

Cristina Palston

Print name of Applicant/Petitioner

State of New York; County of Erie

On the 23rd day of January in the year 2019 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. #01MIS128663
Notary Public, State of New York
Qualified in Erie County
Commission Expires June 13, 2021

(Notary stamp)

Office Use Only:

Date received: 1/23/19

Receipt #: 607170

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)

REQUEST PERMISSION TO BUILD A 600 S.F. RESIDENCE.
MINIMUM SIZE ALLOWED FOR A NEW RESIDENCE IS 1,200 S.F.

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 Glead 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:

....., identified as Tax Map (SBL)# 200.00-2-13.1
(address)

hereby authorizes Bammel Architects 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.

Cristina Polston
Owner (print)

1/23/19
Date

[Signature]
Owner (signature)

STATE OF NEW YORK)
) SS
COUNTY OF ERIE)

On this 23rd day of January, 2019, before me, the undersigned, a notary public in and for said state,
personally appeared Christina Polston, 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.

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

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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Jeffrey P. Markello

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

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

Cristina & Craig Polston
405 Oakwood Ave.
East Aurora, NY 14052

1/24/2019

Re; Variance at 1757 Emery Rd.

Cristina and Craig,

The Building Department has reviewed your application to erect a residential structure of 600 Square Feet. We have denied your application because it fails to meet the requirements as stipulated by Aurora Town Code

116-8.4.C Required: Dwelling- not less than 1200 sq. ft.
Request: Dwelling of 600 sq. ft.
Variance: 600 sq. ft.

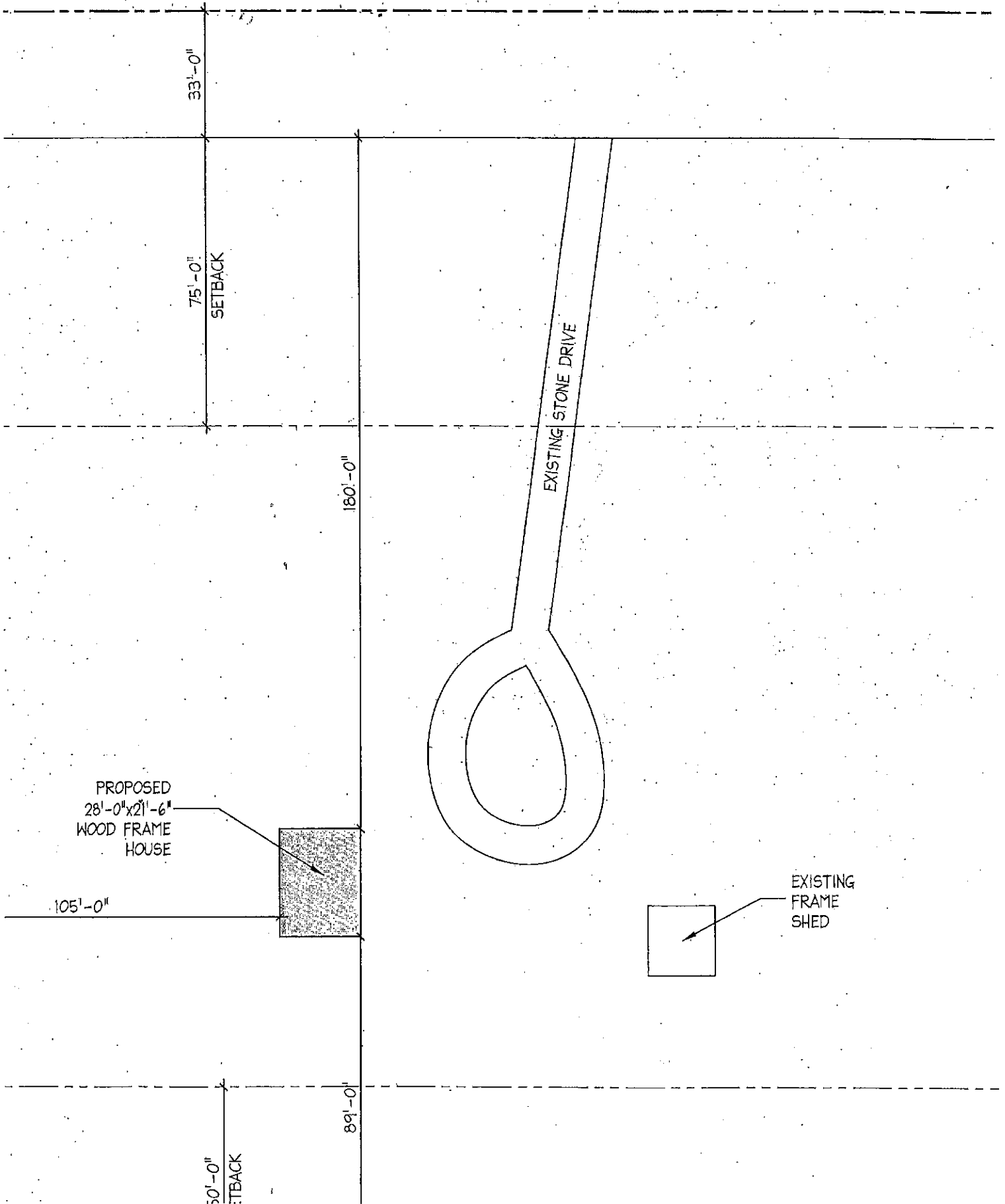
If you wish to pursue this matter further you must apply to the Town of Aurora Zoning Board of Appeals for an area variance. You must include your application, application fee and any information you need to support your need for a variance from the Town Code. If you have any questions contact us at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

William R. Kramer

Code Enforcement Officer

EMERY ROAD

421.70'



Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information							
Name of Action or Project: <p style="text-align: center; margin: 0;">POLSTON RESIDENCE</p>							
Project Location (describe, and attach a location map): <p style="text-align: center; margin: 0;">1757 EMERY ROAD</p>							
Brief Description of Proposed Action: <p style="text-align: center; margin: 0;">CONSTRUCT A NEW 600 S.F. WOOD FRAME RESIDENCE ON AN EXISTING SITE. PREVIOUS HOUSE ON THE PROPERTY WAS DEMOLISHED.</p>							
Name of Applicant or Sponsor: <p style="text-align: center; margin: 0;">CRISTINA + CRAIG POLSTON</p>		Telephone: _____ E-Mail: _____					
Address: <p style="text-align: center; margin: 0;">450 OAKWOOD</p>							
City/PO: <p style="text-align: center; margin: 0;">EAST AUBORA</p>		State: <p style="text-align: center; margin: 0;">NY</p>	Zip Code: <p style="text-align: center; margin: 0;">14052</p>				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <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?		3.193 acres					
b. Total acreage to be physically disturbed?		0.014 acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		3.193 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 checked="" 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? b. Consistent with the adopted comprehensive plan?	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	N/A <input type="checkbox"/> <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"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input 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: _____	NO <input type="checkbox"/>	YES <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 <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: <u>SEPTIC</u>	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"/> <input checked="" type="checkbox"/>	YES <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? 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 checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <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 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 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 type="checkbox"/> NO <input type="checkbox"/> YES	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	

<p>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: _____ _____ _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>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: _____ _____ _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>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: _____ _____ _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: <u>JAMES RAMMEL / RAMMEL ARCHITECTS</u> Date: <u>1-23-2019</u> Signature: <u><i>James Rammel</i></u></p>		



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

February 4, 2019

Martha Librock, Town Clerk
300 Glead Avenue
East Aurora, New York 14052

Re: Variance for 50% of minimum square footage required for proposed house

Location: **1757 Emery Road, Aurora, New York**
Review No.: **ZR-19-114**

Dear Ms. Librock:

Pursuant to New York General Municipal Law Section 239-m, the County of Erie (the "County") has reviewed the above-referenced project (the "Project") referred to us by the Town of Aurora (the "Town") on January 25, 2019. The County offers the following comments based upon its review of the Project:

- Due to the intention to use a septic system for sewage, and for completion of property transfer, this project must be referred to the Erie County Department of Health for review to:

Erie County Department of Health
ATTN: Jennifer Delaney
503 Kensington Avenue
Buffalo, NY 14214

This review pertains to the above-referenced site plan submitted to the Erie County Department of Environment and Planning. This letter should not be considered sufficient for any county approvals. The Town and/or developer must still obtain any other permits and regulatory approvals applicable to this Project.

Please feel free to contact me at 716-858-1916 if you have any questions.

Sincerely,

Mariely Ann Ortiz
Planner

Erie County | Environment & Planning
95 Franklin St., 1007 | Buffalo, NY 14202
P:(716) 858-8390 | F:(716) 858-7248
Mariely.Ortiz@erie.gov | <http://www.erie.gov>

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



TOWN CLERK
Martha L. Librock
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NYS Relay Number:
1(800) 662-1220

*This institution is an equal
opportunity provider and employer.*

February 6, 2019

Erie County Department of Health
Attn: Jennifer Delaney
503 Kensington Avenue
Buffalo, New York 14214

Re: Erie County Department of Environment & Planning
Referral: 1757 Emery Road, Aurora, NY
Project review

Dear Ms. Delaney:

Mariely Ann Ortiz of the Erie County Department of Environment and Planning reviewed Zoning Referral for a variance for 50% of minimum square footage required for a proposed house. In a letter dated February 4, 2019, Ms. Ortiz states that this project must be referred to the Erie County Department of Health for review.

Enclosed please find a copy of the Zoning Referral, Ms. Ortiz's February 4, 2019 letter and the set of supporting documents for this Zoning Board of Appeals case.

If you have any questions or need further documentation, please do not hesitate to contact me at (716) 652-3280 or townclerk@townofaurora.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Martha L. Librock".

Martha L. Librock
Town Clerk

Enc.

**SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, NY
AND REPLY TO MUNICIPALITY**

Note: Please complete in triplicate. Send original and one copy (with attachments) to Erie County Division of Planning, Room 1053, 95 Franklin Street, Buffalo, N.Y. 14202. Retain last copy for your files.

DO NOT WRITE IN THIS SPACE
Case No.: ZR-19-114
Received: 1/25/19

The proposed action described herein is referred in accordance with the provisions of the General Municipal Law, which provides that if no reply is received in 30 days after receipt of full information including a SEQR EAF if applicable, the municipal agency may take final action without considering such reply. If, however, reply is received at any time prior to municipal Action, such reply must be considered.

Description of Proposed Action

1. Name of Municipality: Town of Aurora

2. Hearing Schedule: **Date** 2/21/2019 **Time** 7pm **Location** 300 Glead Ave., E. Aurora, NY

3. Action is before: Legislative Body Board of Appeals Planning Board

4. Action consists of: New Ordinance Rezone/Map Change Ordinance Amendment

Site Plan Variance Special Use Permit Other

5. Location of Property: Entire Municipality Specific as follows 1757 Emery Road

6. Referral required as Site is within 500' of: State or County Property/Institution Municipal Boundary Farm Operation located in an Agricultural District

Expressway County Road State Highway Proposed State or County Road, Property, Building/Institution, Drainageway

Square footage of proposed house is 50% smaller than allowed by Town

7. Proposed change or use: (be specific) Code

8. Other remarks: (ID#, SBL#, etc.) SBL# 200.00-2-13.1

9. Submitted by: Martha Librock, Town Clerk 1/25/2019

300 Glead Avenue, East Aurora, NY 14052

Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on 1/29/19. The Division herewith submits its review and reply under the provisions of applicable state and local law, based on the information submitted with this referral.

1. The proposed action is not subject to review under the law.
2. Form ZR-3, Comment on Proposed Action is attached hereto.
3. The proposed action is subject to review; the Division makes the recommendation shown on Form ZR-4, Recommendation on Proposed Action, which is attached hereto.
4. No recommendation; proposed action has been reviewed and determined to be of local concern

By the Division of Planning:  Date: 2/1/19