



CASE NO. 1358  
DATE OF HEARING 6/25/2020

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 Renee Generoux  
Address 135 Hillcrest Rd.  
City East Aurora State NY ZIP 14052  
Phone 716-938-1234 Fax \_\_\_\_\_ Email RK  
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 135 Hillcrest Rd. East Aurora NY 14052  
SBL# 164.15-3-1.1  
Property size in acres 1.3 acres Property Frontage in feet \_\_\_\_\_  
Zoning District R1 Surrounding Zoning R1  
Current Use of Property home

#### IV. REQUEST DETAIL

(check all that apply)  
 Variance from Ordinance Section(s) # Front yard setback variance  
 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)

Renee Geras

Signature of Applicant/Petitioner

Renee Geras

Print name of Applicant/Petitioner

State of New York; County of Erie

On the 22<sup>nd</sup> day of April in the year 2020 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.

JoANN M. Giordano

Notary Public

JoANN M. GIORDANO, Reg. # 01015021992  
Notary Public, State of New York  
Qualified in Chautauque County  
My Commission Expires December 27, 2021

(Notary stamp)

Office Use Only: Date received: 4/29/20 Receipt #: 121998 \$ 10000  
#183

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 build a 600 sq. ft Deck on the West side of our house opposite the side that faces our neighbors. This corner is lined by the road on two sides therefore we have two front yards per Elizabeth Cassidy. Elizabeth informed us we will need a front yard setback variance, as it is 21' - 45' from the ROW + needs to be 75'.

**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](mailto:jbach@townofaurora.com)



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

**TOWN OF AURORA**  
**Southside Municipal Center**  
300 Glead Avenue, East Aurora, NY 14052  
[www.townofaurora.com](http://www.townofaurora.com)

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Jeffrey T. Harris  
[jharris@townofaurora.com](mailto:jharris@townofaurora.com)

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ASSESSOR  
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(716) 652-0011

DIR. OF RECREATION  
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(716) 652-8866  
[chris@townofaurora.com](mailto: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](mailto:historian@townofaurora.com)

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

April 29, 2020

Renee Genereux  
135 Hillcrest Rd  
East Aurora, NY 14052

The Building Department has reviewed your request construct a deck in the front yard of your property at 135 Hillcrest Rd. We have denied the request because it fails to meet the requirements of the Town of Aurora Code for the Residence 1 (R1) zoning district in which it is located.

Section 116-8.1E(1)

Required: Front yard depth or setback: A minimum of 75 feet from the street right-of-way

Requested: Front yard setback of 26 feet

Variance: 49'

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 and fee, a letter to the ZBA explaining your difficulty, any information to support your need for a variance from the Town Code. If you have any questions contact us at 652-7591.

Sincerely,

A handwritten signature in black ink that appears to read "Elizabeth Cassidy".

Elizabeth Cassidy  
Asst. 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: <u>SUN DECK</u>							
Project Location (describe, and attach a location map): <u>West side of house at 135 Hillcrest Rd. East Aurora NY 14052</u>							
Brief Description of Proposed Action: <u>Building a sun deck on the west side of the house, coming off the front door. This is the side of our house opposite our neighbors so we are hoping to create a more private outdoor space.</u>							
Name of Applicant or Sponsor: <u>Renee + John Genereux</u>		Telephone: <span style="background-color: yellow;">[REDACTED]</span>					
		E-Mail: <span style="background-color: yellow;">[REDACTED]</span>					
Address: <u>135 Hillcrest Rd. East Aurora NY 14052</u>							
City/PO: <u>East Aurora</u>		State: <u>NY</u>	Zip Code: <u>14052</u>				
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 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"/>						
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>1.3</u> acres					
b. Total acreage to be physically disturbed?		<u>646 sq ft</u> <del>acres</del>					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>1.3</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							



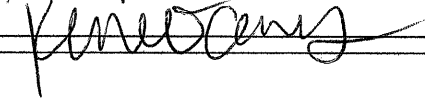
5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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 type="checkbox"/>	<input checked="" 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"/>	
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 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"/>	

<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>

**I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE**

Applicant/sponsor name: Renee Generaux

Date: 4.21.2020

Signature: 

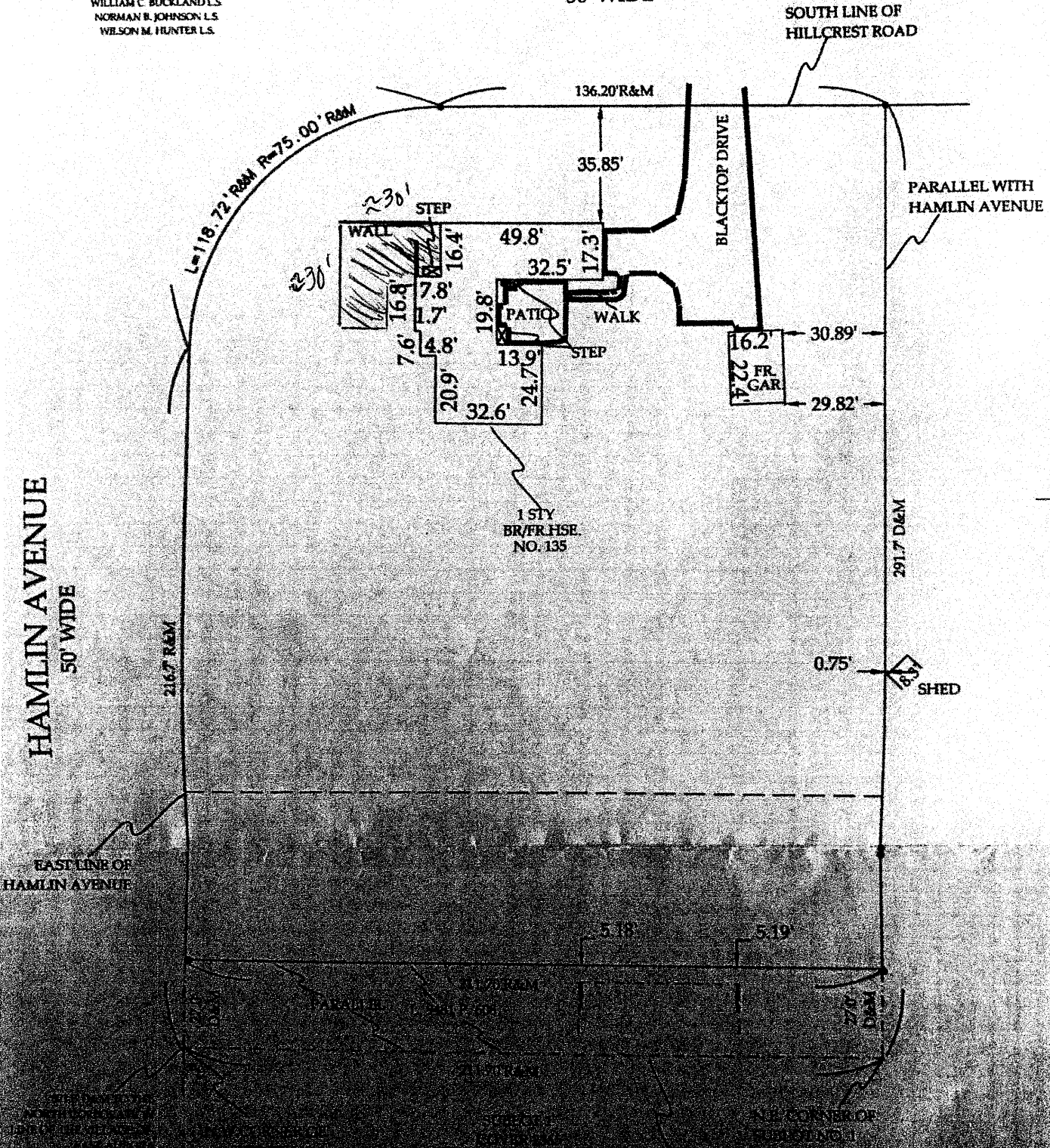
MANGUSO LAND SURVEYING, P.C.  
 JERICK M. MANGUSO, 049775-1  
 TRACY A. SPADA, 050806

572 TUSCARORA RD.  
 ANGOLA, NY 14006  
 PHONE & FAX 716 549 4717

EMAIL OFFICE@MangusoLandSurveying.com

SUCCESSOR TO THE RECORDS OF  
 WILLIAM C. BUCKLAND L.S.  
 NORMAN B. JOHNSON L.S.  
 WILSON M. HUNTER L.S.

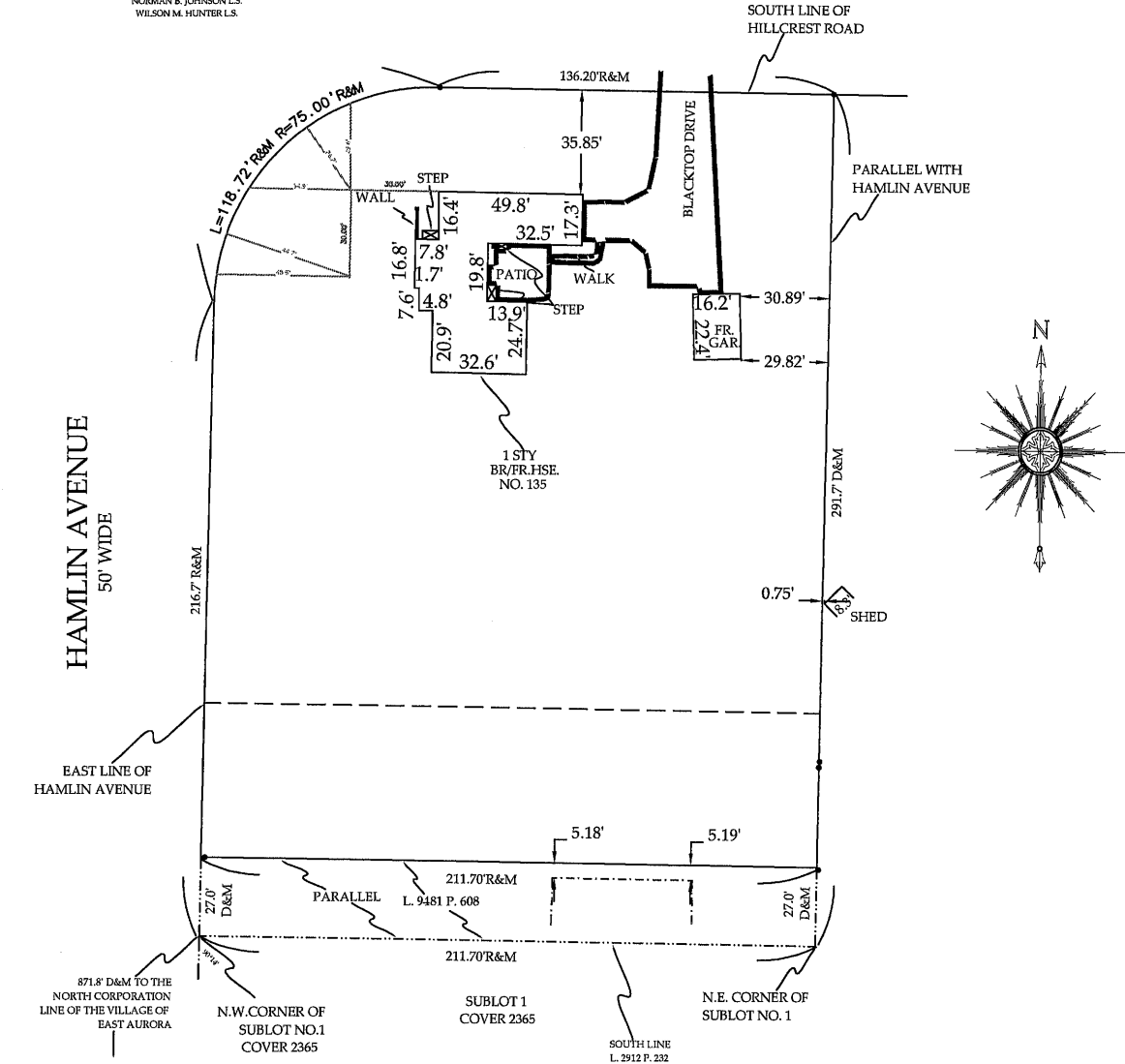
**HILLCREST ROAD**  
 50' WIDE





MANGUSO LAND SURVEYING, P.C.  
 FREDERICK M. MANGUSO, 049775-1  
 TRACY A. SPADA, 050806  
 572 TUSCARORA RD.  
 ANGOLA, NY 14006  
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 EMAIL OFFICE@MangusoLandSurveying.com  
 SUCCESSOR TO THE RECORDS OF  
 WILLIAM C. BUCKLAND L.S.  
 NORMAN B. JOHNSON L.S.  
 WILSON M. HUNTER L.S.

**HILLCREST ROAD**  
 50' WIDE



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6. THE LOCATION OF THE UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS ARE NOT ALWAYS KNOWN AND OFTEN MUST BE ESTIMATED. IF ANY UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS EXIST OR ARE SHOWN, THE IMPROVEMENTS OR ENCROACHMENTS ARE NOT COVERED BY THIS CERTIFICATE.
7. SURVEY PERFORMED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY FACTS THAT MAY ARISE THEREFROM.
8. NO STAKES SET AS PER CONTRACT.
9. THIS SURVEY NOT VALID WITH AFFIDAVIT OF NO CHANGE.
10. THIS SURVEY IS NOT VALID FOR SUBSEQUENT OWNERS, MORTGAGES OR TITLE INSURERS UNLESS THIS SURVEY HAS BEEN RESURVEYED BY THIS SURVEYOR.

**LEGEND**

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



135 HILLCREST ROAD		
<b>DRAWN</b> GLM	<b>DATE</b> 04/18/17	PART OF LOT 32 T9 R6
<b>APPROVED</b> TAS	<b>DATE</b> 04/18/17	TOWN OF AURORA
<b>SCALE</b> 1" = 40'	<b>SHEET</b>	COUNTY OF ERIE
		STATE OF NEW YORK
		<b>PROJECT NO.</b> 20170414

