



CASE NO. 1383

DATE OF HEARING 5/20/2021

Town of Aurora Zoning Board of Appeals
575 Oakwood 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 CHRISTOPHER J HAYES
Address 1955 MILL ROAD
City WEST FALLS State NY ZIP 14170
Phone 716 x _____ Email HA L.COM
Interest in this property as (purchaser/developer) _____

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 1955 MILL ROAD WEST FALLS NY
SBL# 186.06-4-33
Property size in acres 1.6 Property Frontage in feet 149
Zoning District R1 Surrounding Zoning R1 RR (NOT ADJACENT)
Current Use of Property RESIDENTIAL HOME

IV. REQUEST DETAIL

(check all that apply)

Variance from Ordinance Section(s) # ZONING CHAPTER 116-8.1 F(1)
 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)

[Handwritten Signature]

Signature of Applicant/Petitioner

CHRISTOPHER J HAYES

Print name of Applicant/Petitioner

State of New York; County of Erie

On the _____ day of _____ in the year _____ 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.

Notary Public

(Notary stamp)

Office Use Only: Date received: 4/13/21 Receipt #: 304763
CK# 8267 \$100.00

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 REQUEST A VARIANCE TO ALLOW THE REMOVAL OF EXISTING (2) CAR ATTACHED GARAGE TO BE REPLACED BY NEWLY ATTACHED (3) CAR GARAGE WITH STORAGE FOR OUTDOOR SUMMER FURNITURE. I CURRENTLY STORE A SUMMER CAR OFF PROPERTY AND WOULD PREFER TO HAVE IT ON SITE. I ALSO CURRENTLY STORE FURNITURE IN MY BASEMENT WHICH AS I GET OLDER BECOMES A MORE DIFFICULT TASK.

AREA VARIANCE

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
575 Oakwood 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:

1955 MILL ROAD
(address)

identified as Tax Map (SBL)#

hereby authorizes SCOTT HUNT 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.

CHRISTOPHER J HAYES

Owner (print)

4/12/2021
Date

CH Hayes

Owner (signature)

STATE OF NEW YORK)
) SS
COUNTY OF ERIE)

On this 12 day of APRIL, 2021, before me, the undersigned, a notary public in and for said state, personally appeared _____, 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

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



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

TOWN OF AURORA

Aurora Municipal Center
575 Oakwood Avenue, East Aurora, NY 14052
www.townofaurora.com

TOWN COUNCIL MEMBERS

Susan A. Friess
sfriess@townofaurora.com

Jolene M. Jeffe
jjeffe@townofaurora.com

Charles D. Snyder
csnyder@townofaurora.com

Luke Wochensky
lwochensky@townofaurora.com

SUPT. OF HIGHWAYS
David M. Gunner
(716) 652-4050

highway@townofaurora.com

CODE ENFORCEMENT
OFFICER

Elizabeth Cassidy
(716) 652-7591

building@townofaurora.com

ASSESSOR

Roger P. Pigeon

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

*This institution is
an equal opportunity
provider and
employer*

April 13, 2021

Christopher Hayes
1955 Mill Rd
West Falls, NY 14170

RE: 1955 Mill Rd variance

The Building Department has reviewed the submittal for the construction of an attached garage at your property at 1955 Mill Rd. The request has been denied 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 116-8.1F(1)

Required: Side yards principal building: each side yard a minimum of 20 feet

Requested: 12'1"

Variance: 7'11"

This letter serves as notice that we have received the application and fee for the Zoning Board of Appeals. You will receive notification from the Town Clerk with the date and time of the hearing next month. If you have any questions, please contact our office at 652-7591.

Sincerely,

Elizabeth Cassidy
Code Enforcement Officer

**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-21-272

Received: 4/20/21

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** 5/20/2021 **Time** 7:30pm **Location** 575 Oakwood Ave., E. Aurora

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 1955 Mill 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

7. Proposed change or use: (be specific) Proposed attached garage closer to side lot line than allowed by Town Code

8. Other remarks: (ID#, SBL#, etc.) SBL# 186.00-4-33

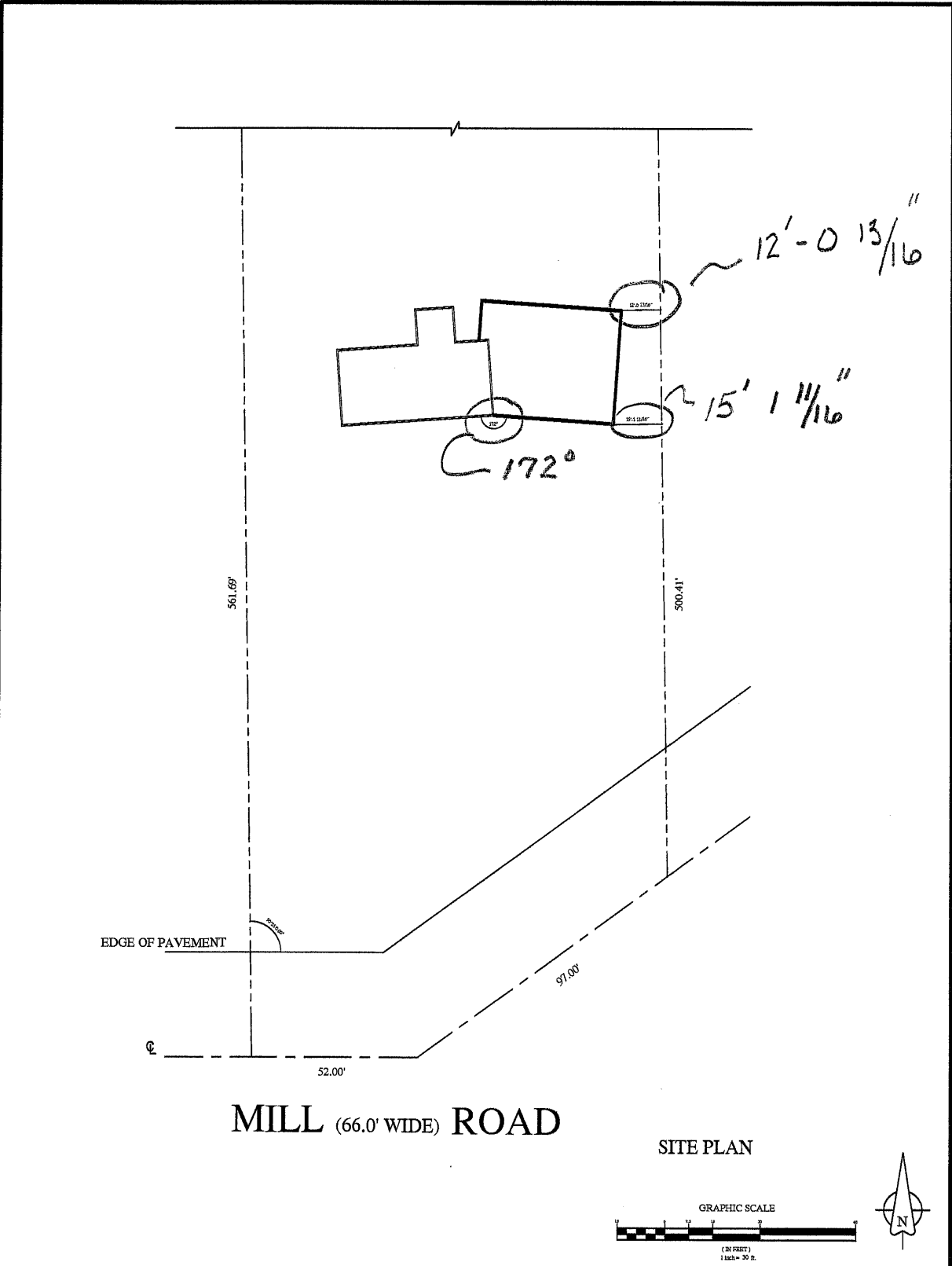
9. Submitted by: Martha Librock, Town Clerk 4/20/2021
575 Oakwood Ave., E. Aurora, NY 14052

Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on 4/22/21. 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.

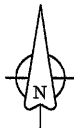
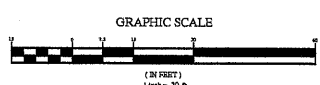
1. The proposed action is not subject to review under the law.
2. Form ZR-3, Comment on Proposed Action is attached hereto.
3. The proposed action is subject to review; the Division makes the recommendation shown on Form ZR-4, Recommendation on Proposed Action, which is attached hereto.
4. No recommendation;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

By the Division of Planning: Sarah Gatti Date: 4/26/21



MILL (66.0' WIDE) ROAD

SITE PLAN



clm
DARYL MARTIN
 ARCHITECT, P.C.
 3625 Equert Road | Orchard Park, N.Y. 14127

PH- (716)667-1436
 FAX- (716)667-0163
 dmarchtects@gmail.com

THIS DOCUMENT IS THE PROPERTY OF DARYL MARTIN ARCHITECT, P.C. AND IS NOT TO BE REPRODUCED, COPIED, OR USED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF DARYL MARTIN ARCHITECT, P.C. ANY UNAUTHORIZED USE OF THIS DOCUMENT IS PROHIBITED.

CREATED:	1/29/2021
PLOTTED:	1/29/2021
DRAWN BY:	TMR
CHECKED:	DKM

SITE PLAN

1955 MILL RD.
 AURORA, NEW YORK

REVISIONS:

THE APPROVED ARCHITECT IS NOT RESPONSIBLE FOR THE FOLLOWING:
 -QUALITY OF WORKMANSHIP
 -ANY UNAUTHORIZED CHANGES FROM THE STAMPED DRAWINGS
 -APPLICATION OF DRAWINGS ON THE JOB
 THESE DRAWINGS HAVE BEEN PROFESSIONALLY REVIEWED AND ADOPTED BY THE APPROVED ARCHITECT AND TO THE BEST OF HIS KNOWLEDGE THEY MEET OR EXCEED THE REQUIREMENTS OF THE 2000 RESIDENTIAL CODE OF NEW YORK STATE (RCNY).

S-2
 SHEET NUMBER

SUB CONTRACTORS ARE REQUIRED TO CHECK ALL DIMENSIONS AND SET-OUTS WITHIN 24 HOURS OF START OF WORK AND REPORT ANY DISCREPANCIES.

REVISIONS

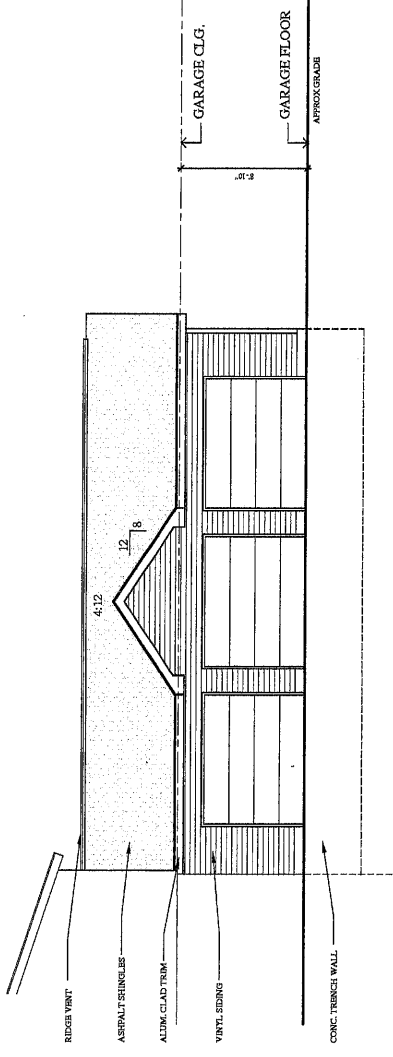
DATE: 06/06/2011
DRAWN BY: TMR
CHECKED: DSM

DARYL MARTIN
1955 MLL RD
WEST FALLS, NEW YORK

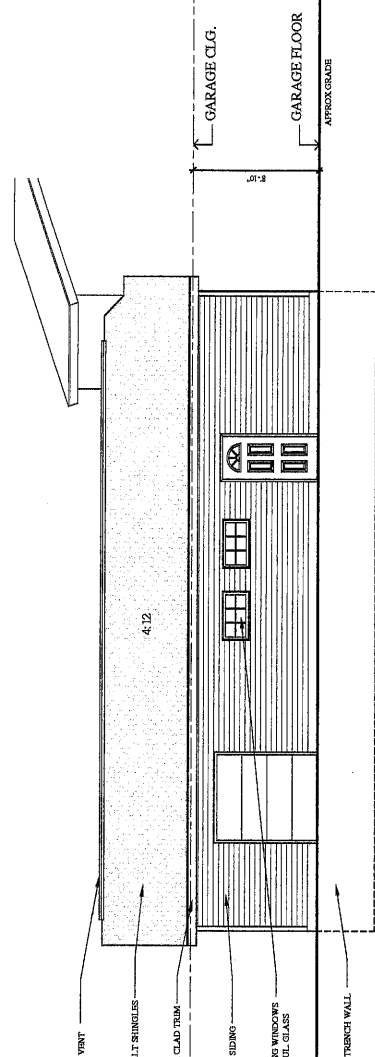
ELEVATIONS
ADDITONS & ALTERATIONS FOR

CREATED: 10/06/2011
DRAWN BY: TMR
CHECKED: DSM

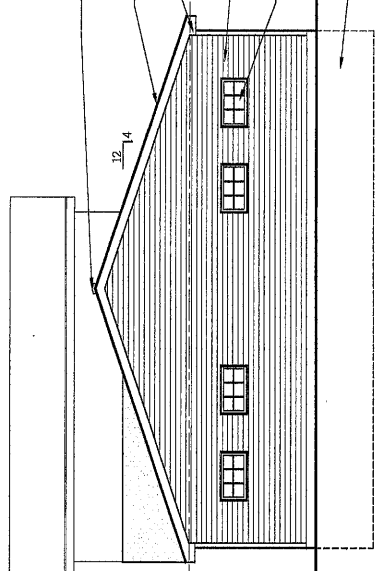
A-3
SHEET NUMBER



FRONT ELEVATION
SCALE: 1/4" = 1'-0"

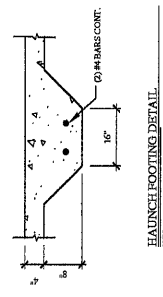
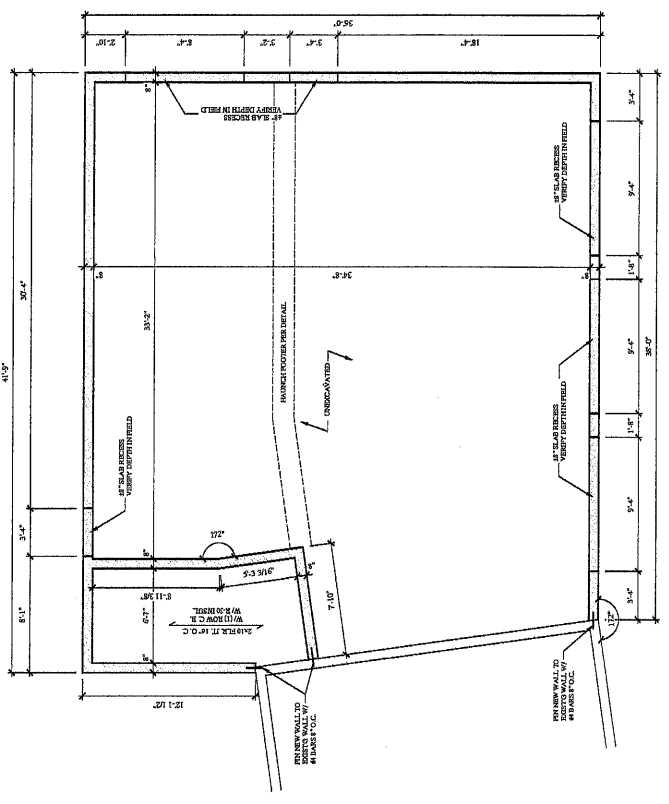


REAR ELEVATION
SCALE: 1/4" = 1'-0"



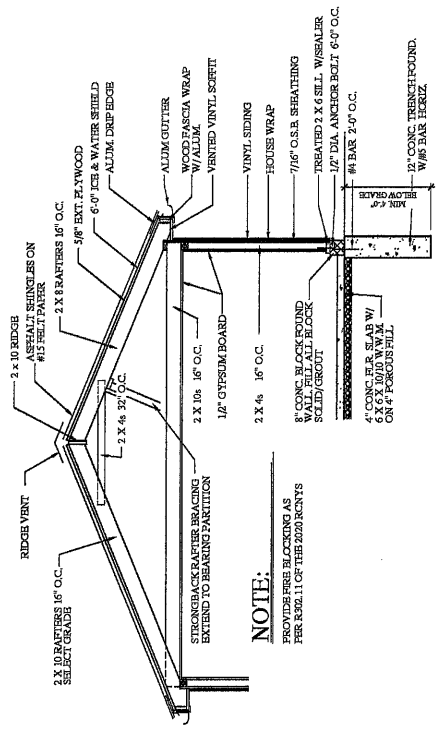
RIGHT SIDE ELEVATION
SCALE: 1/4" = 1'-0"

NOT TO SCALE
NOT TO BE USED FOR CONSTRUCTION
NOT TO BE USED FOR PERMITS
NOT TO BE USED FOR SETBACKS
NOT TO BE USED FOR ZONING
NOT TO BE USED FOR EASEMENTS
NOT TO BE USED FOR ENCROACHMENTS
NOT TO BE USED FOR ADJACENT PROPERTIES
NOT TO BE USED FOR NEIGHBORHOODS
NOT TO BE USED FOR FUTURE DEVELOPMENT
NOT TO BE USED FOR ENVIRONMENTAL STUDIES
NOT TO BE USED FOR HISTORICAL RECORDS
NOT TO BE USED FOR ARCHITECTURAL RECORDS
NOT TO BE USED FOR PHOTOGRAPHY
NOT TO BE USED FOR ARTWORK
NOT TO BE USED FOR REPRODUCTION
NOT TO BE USED FOR DISTRIBUTION
NOT TO BE USED FOR PUBLICITY
NOT TO BE USED FOR MARKETING
NOT TO BE USED FOR SALES
NOT TO BE USED FOR LEASING
NOT TO BE USED FOR LICENSING
NOT TO BE USED FOR REGISTRATION
NOT TO BE USED FOR FILING
NOT TO BE USED FOR RECORDING
NOT TO BE USED FOR INDEXING
NOT TO BE USED FOR MAPPING
NOT TO BE USED FOR SURVEYING
NOT TO BE USED FOR ENGINEERING
NOT TO BE USED FOR ARCHITECTURE
NOT TO BE USED FOR INTERIOR DESIGN
NOT TO BE USED FOR LANDSCAPE ARCHITECTURE
NOT TO BE USED FOR PLANNING
NOT TO BE USED FOR POLITICAL CAMPAIGNS
NOT TO BE USED FOR COMMERCIAL PURPOSES
NOT TO BE USED FOR ANY OTHER PURPOSES

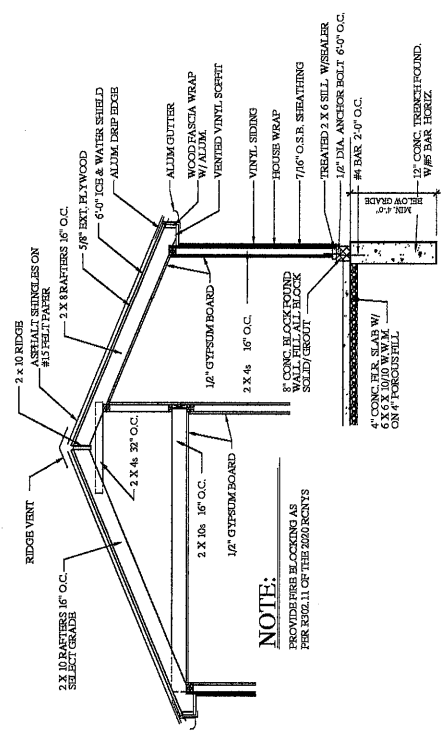


CONCRETE/STEEL JOINTS: ALL JOINTS SHALL BE REINFORCED WITH 4# BARS. ALL JOINTS SHALL BE REINFORCED WITH 4# BARS. ALL JOINTS SHALL BE REINFORCED WITH 4# BARS.

ITEM	DESCRIPTION	QUANTITY	UNIT	PRICE	TOTAL
1	CONCRETE	100	CU YD	100.00	100.00
2	STEEL	100	LB	1.00	100.00
3	FORMWORK	100	SQ YD	1.00	100.00
4	REINFORCEMENT	100	LB	1.00	100.00
5	ADDITIONAL	100	LB	1.00	100.00



SECTION thru NEW GARAGE
 SCALE: 3/8\"/>



SECTION thru WORKSHOP
 SCALE: 3/8\"/>

THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF THE ARCHITECT AND ARE NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY DAMAGE TO PERSONS OR PROPERTY ARISING FROM THE USE OF THESE PLANS AND SPECIFICATIONS.

Short Environmental Assessment Form

Part 1 - Project Information

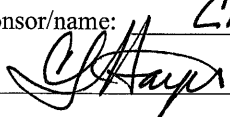
Instructions for Completing

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.

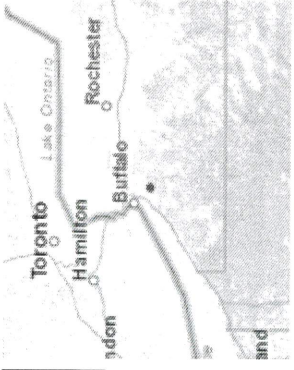
Part 1 – Project and Sponsor Information			
<div style="font-size: 1.2em; font-weight: bold; margin-bottom: 5px;">GARAGE ADDITION</div> Name of Action or Project:			
Project Location (describe, and attach a location map): <div style="font-size: 1.1em; margin-top: 5px;">1955 MILL RD WEST FALLS NY 14170</div>			
Brief Description of Proposed Action: <div style="font-size: 1.1em; margin-top: 5px;">REMOVE CURRENT ATTACHED (2) CAR GARAGE AND REPLACE WITH LARGER ATTACHED THREE CAR GARAGE. ADDITIONAL ROOM FOR CARS AND STORING OF OUTDOOR ITEMS</div>			
Name of Applicant or Sponsor: <div style="font-size: 1.1em; margin-top: 5px;">CHRISTOPHER J HAYES</div>	Telephone:	<div style="background-color: yellow; width: 100px; height: 15px; margin-bottom: 5px;"></div> 5	
Address: <div style="font-size: 1.1em; margin-top: 5px;">1955 MILL RD 1</div>		E-Mail: H.	<div style="background-color: yellow; width: 100px; height: 15px; margin-bottom: 5px;"></div> IL.COM
City/PO: <div style="font-size: 1.1em; margin-top: 5px;">WEST FALLS</div>	State: <div style="font-size: 1.1em; margin-top: 5px;">NY</div>	Zip Code: <div style="font-size: 1.1em; margin-top: 5px;">14170</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.		NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO	YES
<div style="font-size: 1.1em; margin-top: 5px;">TOWN OF AURORA BUILDING</div>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		<div style="font-size: 1.1em; margin-top: 5px;">1.6 acres</div>	
b. Total acreage to be physically disturbed?		<div style="font-size: 1.1em; margin-top: 5px;">36'x38' acres FEET</div>	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<div style="font-size: 1.1em; margin-top: 5px;">1.6 acres</div>	
4. Check all land uses that occur on, are adjoining or 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			

		NO	YES	N/A
5.	Is the proposed action,			
	a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	b. Consistent with the adopted comprehensive plan?	<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?	<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"/>	
8.	a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	c. Are any pedestrian accommodations or bicycle routes available on or near the 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: _____ _____	<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: _____	<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: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12.	a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

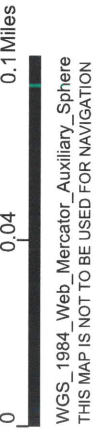
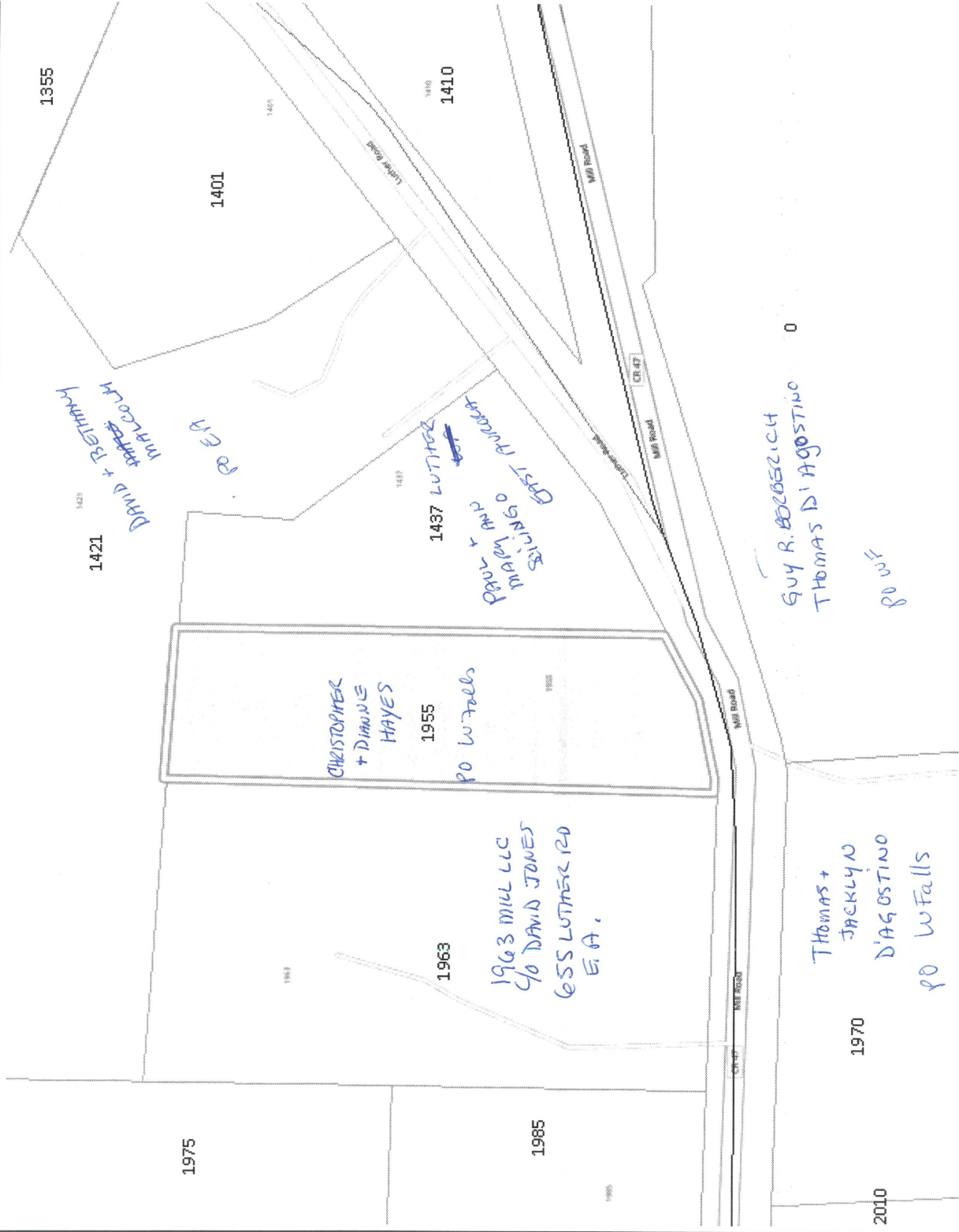
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> 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 plan?	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? 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"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____	NO	YES
	<input checked="" type="checkbox"/>	<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	YES
	<input checked="" type="checkbox"/>	<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	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor/name: <u>CHRISTOPHER J HAYES</u> Date: <u>4/12/2021</u></p> <p>Signature: <u></u> Title: _____</p>		



Erie County On-Line Mapping Application



- Legend**
- Parcels
 - Streets and Highways**
 - Interstate
 - Primary State Road
 - Secondary State Road
 - County Road
 - Local Road



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.