



CASE NO. 1384

DATE OF HEARING 6/17/21

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 KEITH DECKER JR.
Address 1070 FAUS RD
City WEST FALLS State NY ZIP 14170
Phone 802 593 6866 Fax _____ Email kdeckejr@gmail.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 1070 FAUS RD. WEST FALLS NY 14170
SBL# _____
Property size in acres 7.574 ± Property Frontage in feet 283.72
Zoning District RURAL RESIDENTIAL Surrounding Zoning RURAL RESIDENTIAL
Current Use of Property RESIDENCE

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)



Signature of Applicant/Petitioner

KETTA DECKER JR.

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: _____ 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)

POOL PERMIT OBTAINED IN MAR 2021 AND POOL WAS INSTALLED. I WAS UNDER THE IMPRESSION THAT "FRONT YARD" WAS DEFINED WITH LINE PARALLEL TO THE HOUSE, NOT PARALLEL TO THE RIGHT OF WAY FROM POOL DESIGNER/INSTALLER. POOL HOUSE WOULD BE APPROX 20' ^{INTO} ~~BEHIND~~ "FRONT YARD LINE" SEEKING VARIANCE TO BUILD MODEST POOL HOUSE @ POOL, WHICH IS 250' ± OFF OF ROAD.

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 X (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: THE HOUSE IS SET 322' FEET FROM ROAD AND AGAINST WOODED LAND. THERE IS NOWHERE ELSE TO PUT POOL & POOL HOUSE ON THIS PROPERTY.

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: NEIGHBORING LOT IS LAND USE ONLY. POOL & POOLHOUSE 250' ± FROM ROAD.

4) Is your need for a use variance a result of you own actions (is your difficulty self-created)? Please explain: No.

(Attach additional pages if needed)

TOWN OF AURORA

575 OAKWOOD AVENUE, EAST AURORA, NY 14052
BUILDING DEPARTMENT
(716) 652-7591

MEMO

TO: Chairman Ernst and Zoning Board of Appeals Members

FROM: Elizabeth Cassidy, Code Enforcement Officer

DATE: May 14, 2021

Mr. Keith Decker has submitted an application for an accessory building in the front yard. He would like to construct a pool house next to his in-ground pool. The 2020 NYS Residential Code R326.4.2.1 requires a pool barrier to be no less than 48" high (code enclosed for your reference) while Town Code section 116-28A states that a fence in the front yard is limited to 3.5' high. In the past, the ZBA has granted variances for the fence height of pools that are in the front yard, so that it meets the State Code requirements. If the ZBA denied this request, Mr. Decker would have to request a fence height variance from NYS. The 48" minimum barrier height has been a NYS Code requirement since 2010. If you have any questions, please contact me at 652-7591.

Liz Cassidy

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



TOWN CLERK
Martha L. Libroek
(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

May 11, 2021

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

Keith Decker
1070 Falls Rd
West Falls, NY 14170

The Building Department has reviewed the submittal for the construction of an accessory building, pool house, at your property at 1070 Falls Rd. The request has been denied because it fails to meet the requirements of the Town of Aurora Code for the Rural Residential (RR) zoning district in which it is located.

Section 116-8.4E(4) & 116-18A(1)
Required: No accessory building shall be erected in the front yard
Requested: Accessory building in the front yard
Variance: Accessory building in the front yard

Section 116-28A
Required: A fence not over 3.5' high in any front yard
Requested: Fence height of 4'
Variance: .5'

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

This institution is an equal

opportunity provider and employer.

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							
<p style="margin: 0;">Name of Action or Project: POOLHOUSE @ 1070 FALLS RD. WEST FALLS</p>							
<p style="margin: 0;">Project Location (describe, and attach a location map): 1070 FALLS RD WEST FALLS NY 14170</p>							
<p style="margin: 0;">Brief Description of Proposed Action: BUILD A POOLHOUSE NEXT TO POOL. PAVILION STYLE, 20'x16'.</p>							
<p style="margin: 0;">Name of Applicant or Sponsor: KETHU MEUKER</p>		<p style="margin: 0;">Telephone: 8025986866</p>					
		<p style="margin: 0;">E-Mail: kdeckertjregmail.com</p>					
<p style="margin: 0;">Address: 1070 FALLS RD</p>							
<p style="margin: 0;">City/PO: WEST FALLS</p>		<p style="margin: 0;">State: NY</p>	<p style="margin: 0;">Zip Code: 14170</p>				
<p style="margin: 0;">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.</p>			<table border="1" style="width: 100%; text-align: center;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
<p style="margin: 0;">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:</p>			<table border="1" style="width: 100%; text-align: center;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
<p style="margin: 0;">3.a. Total acreage of the site of the proposed action? <u>7.574</u> acres</p>							
<p style="margin: 0;">b. Total acreage to be physically disturbed? <u>0.007</u> acres</p>							
<p style="margin: 0;">c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? <u>7.574</u> acres</p>							
<p style="margin: 0;">4. Check all land uses that occur on, adjoining and near the proposed action.</p> <p style="margin: 0;"> <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) </p> <p style="margin: 0;"> <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ </p> <p style="margin: 0;"> <input type="checkbox"/> Parkland </p>							

<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>KENTH DECKER</u> Date: <u>4/30/2021</u></p> <p>Signature: <u></u></p>		

WARRANTY DEED

THIS INDENTURE made this 10th day of June, 2019.

BETWEEN

**MAUREEN BITTNER,
115 RICHARD RUN, YORKTOWN, VA 23693**

**TERESA H. DONALDSON
815 ONONDAGA STREET, LEWISTON NY 14092**

**KAREN SHARP-PRICE
1021 KLEIN ROAD, WILLIAMSVILLE NY 14221**

Grantors, and

**KEITH A. DECKER, JR.
132 PACKARD, JERICHO VT 05465**

Grantee.

WITNESSETH, that said Grantors, in consideration of One and More Dollars (\$1.00 and More) lawful money of the United States, paid by the Grantee, do hereby grant and release unto the Grantee, their heirs and assigns forever.

All that piece or parcel of land situate in the Town of Aurora, County of Erie, State of New York and being a portion of Lot 33, Township 9, Range 6 of the Holland Land Survey and being more fully bounded and described as follows:

Beginning at a point in the south line of Lot 33 which is also the centerline of Falls Road (49.5' ROW). Said point being 2,186.75 feet distant easterly from the southwest corner of said Lot 33; Running thence northerly parallel with the west line of said Lot 33, a distance of 1,003.75 feet to a point; Running thence easterly parallel with the south line of said Lot 33, a distance of 305.08 feet to a point; Running thence through the lands of Teresa H. Donaldson, Maureen Bittner and Karen Sharp-Price the following three (3) courses:

1) Along a line forming an angle to the left with the previous course of $96^{\circ} 50' 23''$. A distance of 609.75 feet to a pin and cap set in 2019;

2) Along a line forming an angle to the left with the previous course of $169^{\circ} 00' 01''$, a distance of 99.04 feet to a pin and cap set in 2019, and

3) Along a line forming an angle to the left with the previous course of $172^{\circ} 36' 06''$, a distance of 297.45 feet to a point in the south line of said Lot 33 and centerline of Falls Road;

Running thence westerly along the centerline of Falls Road and south line of said Lot 33, a distance of 283.72 feet to the point or place of beginning, being 7.574 acres, more or less, including in part the northerly traveled way of Falls Road, being 24.75 feet wide strip along the south line hereof.

TOGETHER with the appurtenances and all the estate and rights of Grantor in and to said premises, to have and to hold, the above granted premises unto the said Grantees.

AND Grantor covenant with said Grantees as follows:

FIRST, that Grantees shall quietly enjoy the said premises.

SECOND, that Grantor will forever warrant the title to the said premises.

THIRD, the conveyance herein is subject to the trust fund provisions of Section Thirteen of the Lien Law.

IN WITNESS WHEREOF, Grantor has hereunto set his hand and seal the day and year first above written.

IN PRESENCE OF

Teresa Donaldson
TERESA DONALDSON

Karen Sharp-Price
KAREN SHARP-PRICE

STATE OF NEW YORK }
COUNTY OF ERIE } ss.:

On the 13th day of June 2019, before me, the undersigned, a Notary Public in and for said state, personally appeared TERESA DONALDSON AND KAREN SHARP-PRICE, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacities, and that by their signatures on the instrument, the individuals, or the persons upon behalf of which the individuals acted, executed the instrument.

Susan B. Angielczyk
Notary Public

SUSAN B. ANGIELCZYK
Notary Public, State of New York
Qualified in Erie County
Commission Expires November 30, 2022

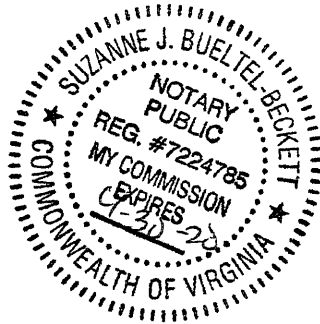
Deed's Return:
Keith Decker, Jr.
1070 Falls Road
500 NY 14170

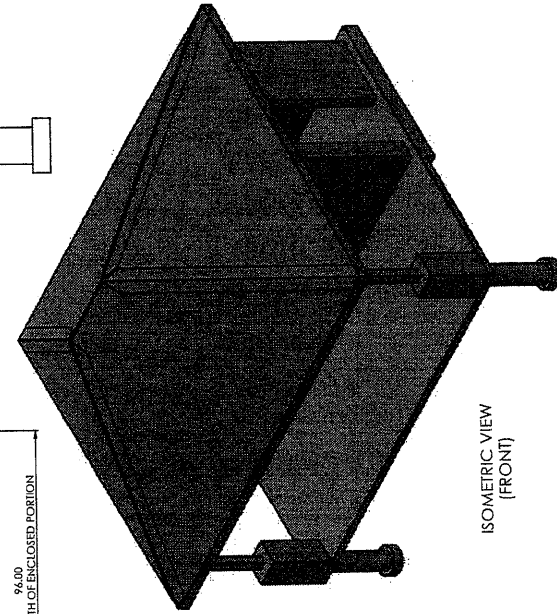
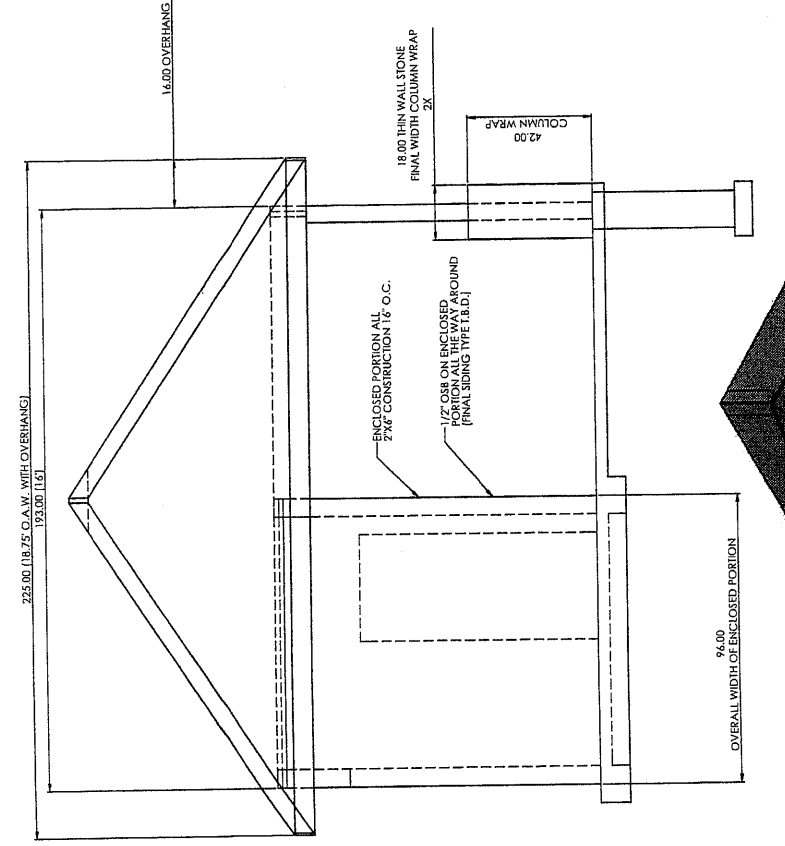
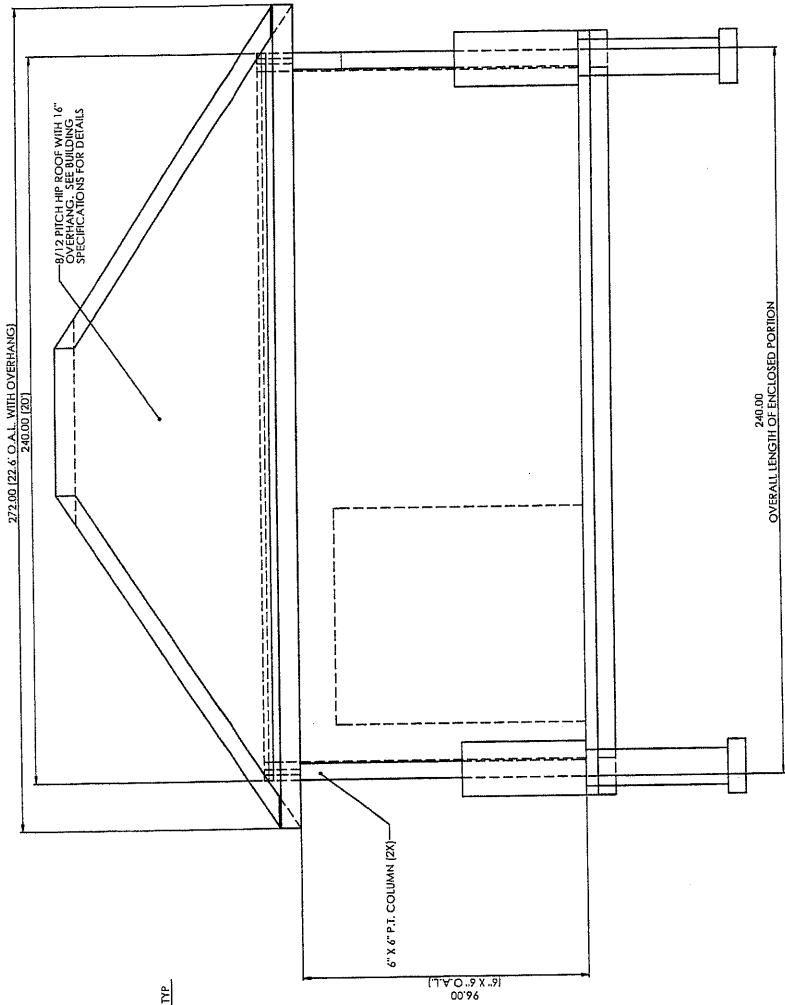
Maureen Bittner
MAUREEN BITTNER

STATE OF VIRGINIA }
COUNTY OF York } ss.:

On the 10th day of June 2019, before me, the undersigned, a Notary Public in and for said state, personally appeared MAUREEN BITTNER, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacities, and that by their signatures on the instrument, the individuals, or the persons upon behalf of which the individuals acted, executed the instrument.

Suzanne J. Bueltel-Beckett
Notary Public





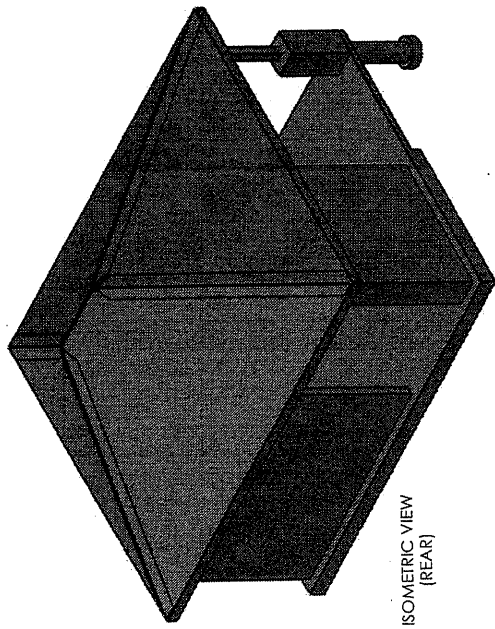
ISOMETRIC VIEW (FRONT)

BUILDING SPECIFICATIONS:

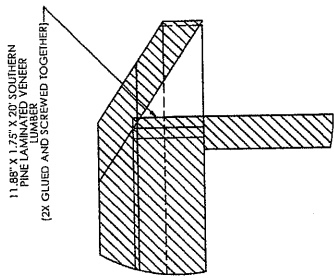
- ALL DIMENSIONS IN INCHES UNLESS OTHERWISE NOTED
- 1 1/2" X 20" POOL HOUSE / CABANA
- (2) CONCRETE PIERS OR SIMILAR IN FRONT FOR COLUMN SUPPORT
- 6" FOOTER (MONOLITHIC) TO SERVE AS FOUNDATION FOR ENCLOSED PORTION
- (1) 6' GARAGE DOOR OPENING IN REAR OF BUILDING
- (1) 36" X 80" OPENING FOR MANDOOK ON RIGHT SIDE (IF FACING FRONT)
- 8/12 PITCH HIP ROOF. HIP RAFTERS 2"x6", COLUMN AND JACK RAFTERS 2"x4"
- SIDING TBD. T-111 LIKELY.

PROPERTY OF:
 KEITH DECKER
 1070 FALLS ROAD
 WEST FALLS, NY 14170

CONSTRUCTION CONTRACTOR:
 FERN HILL HOLDINGS, LLC
 (KEITH DECKER, PRINCIPAL)
 WWW.FERNHILLVT.COM

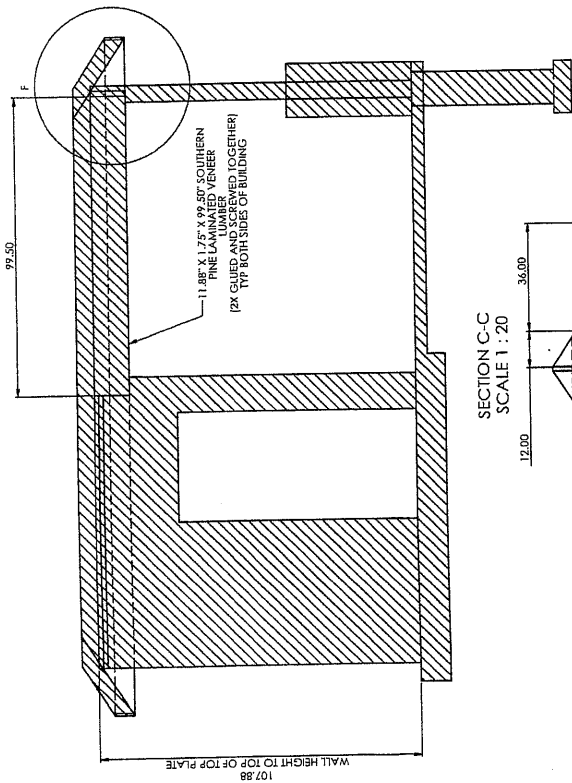


ISOMETRIC VIEW
(REAR)



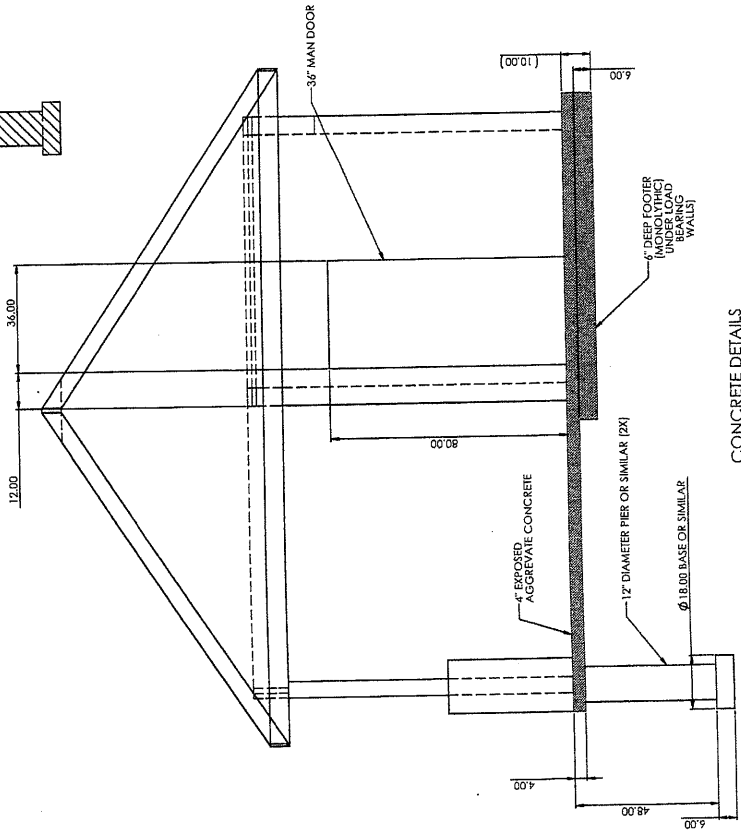
1 1/2" X 20" SOUTHERN
PINE LAMINATED VENEER
LUMBER
(2X GLUED AND SCREWED TOGETHER)

DETAIL F
SCALE 1 : 10

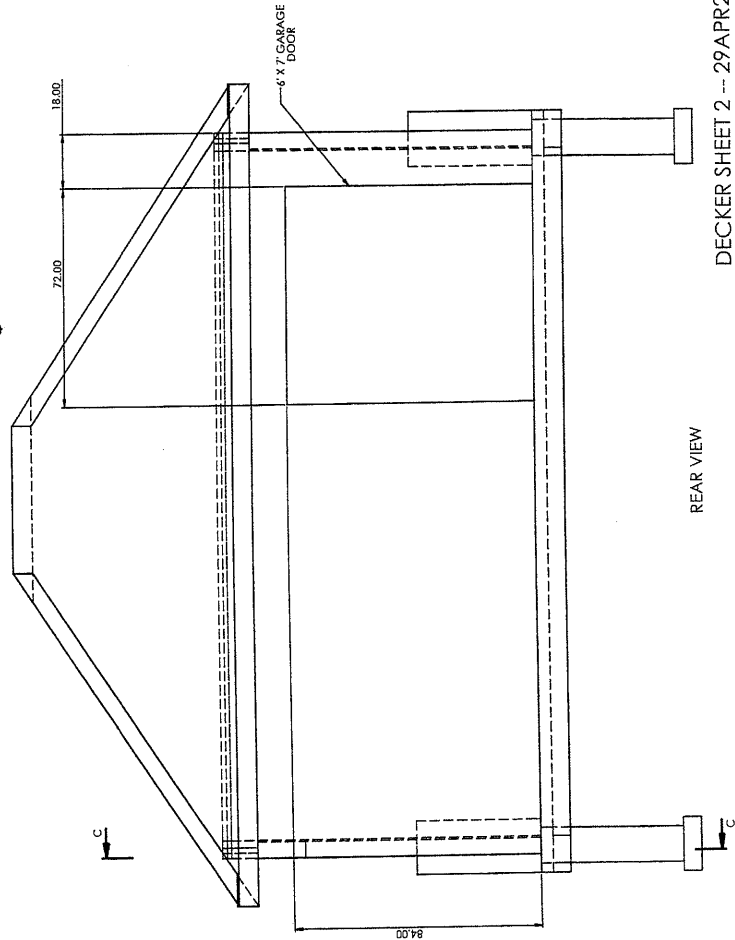


11.88" X 1.75" X 99.50" SOUTHERN
PINE LAMINATED VENEER
(2X GLUED AND SCREWED TOGETHER)
TOP BOTH SIDES OF BUILDING

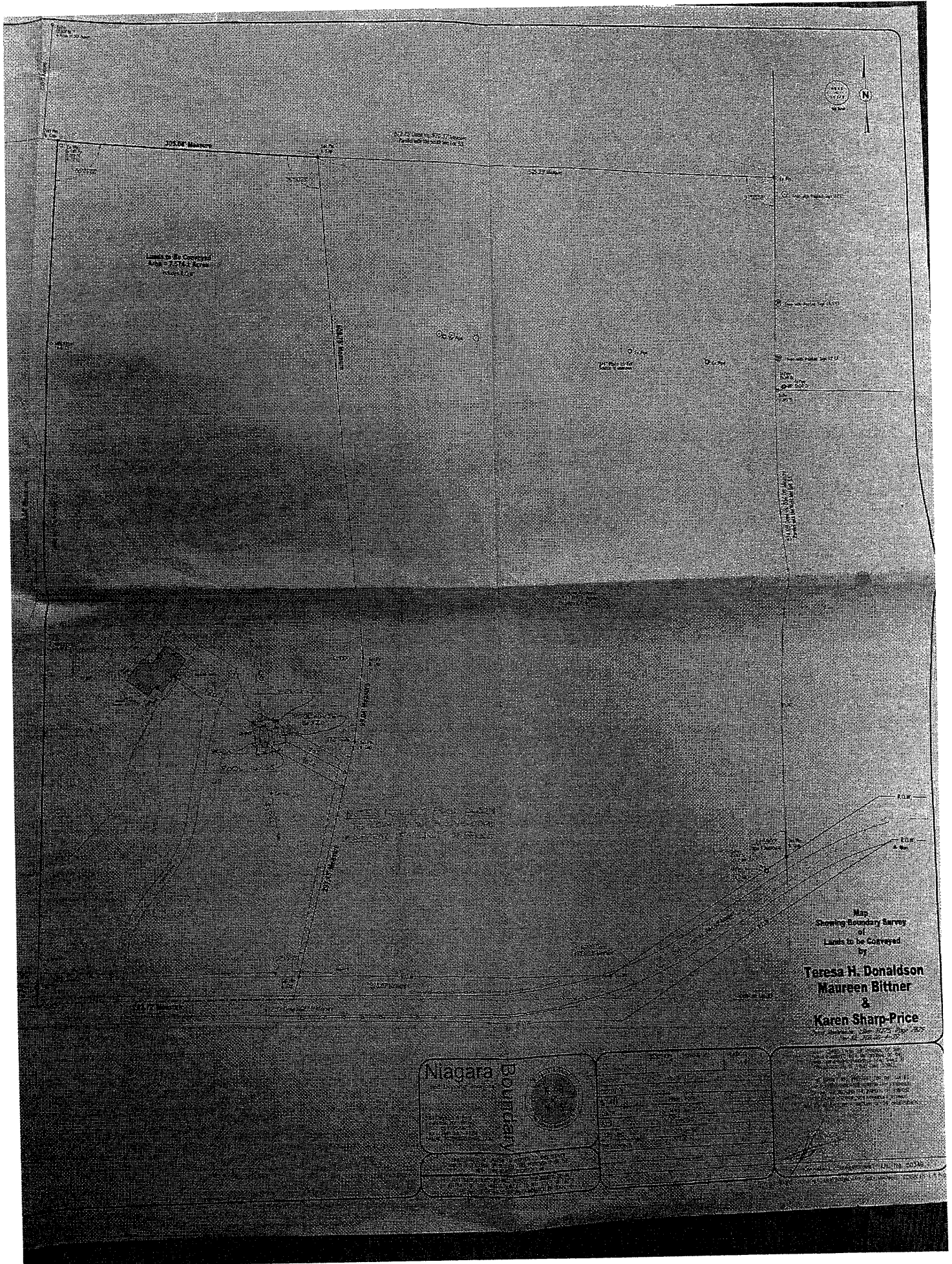
SECTION C-C
SCALE 1 : 20

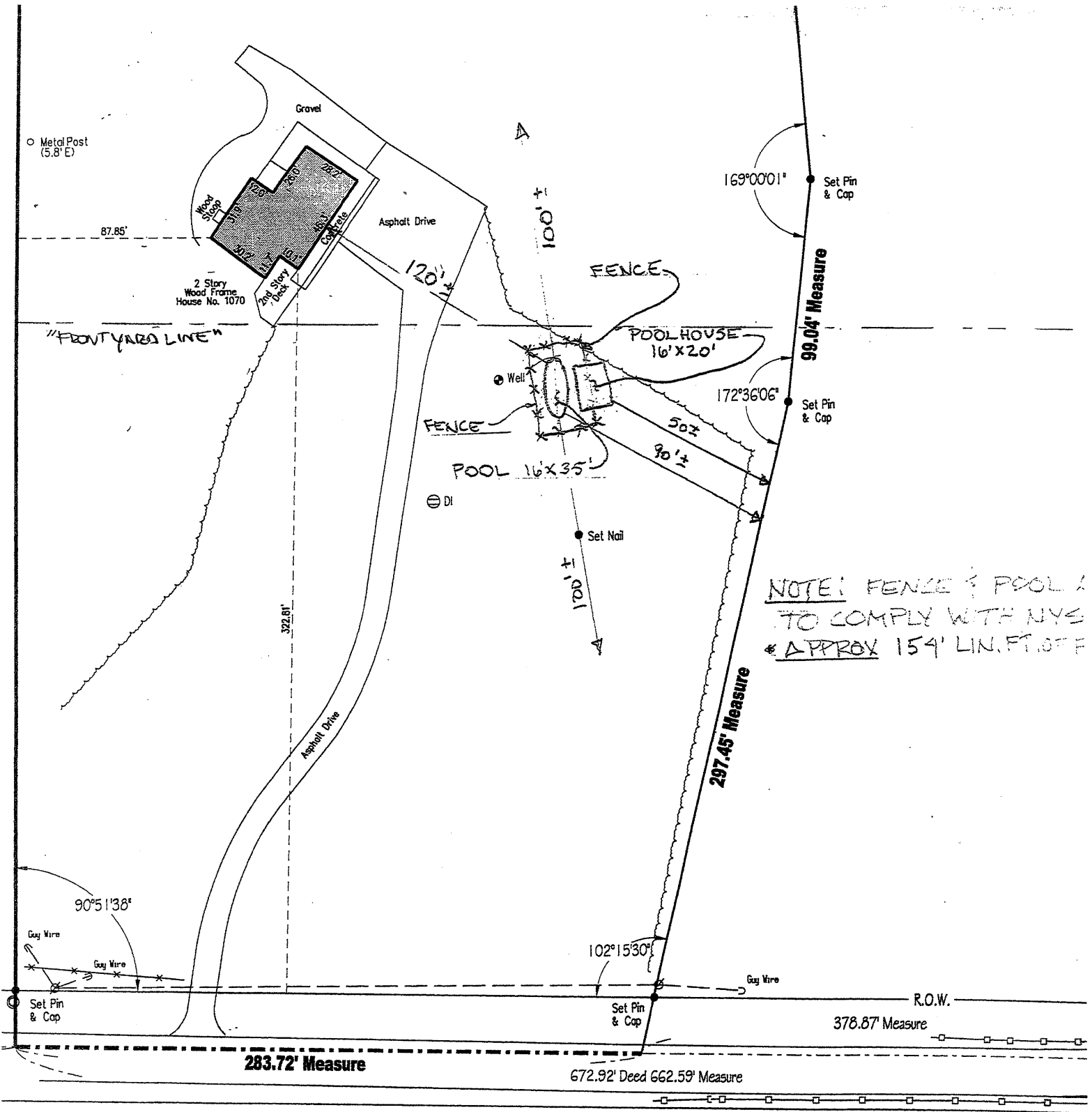


CONCRETE DETAILS



REAR VIEW



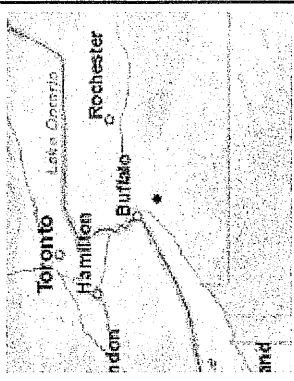


Niaga
 And Mapping

761 Cayuga Street
 Lewiston, NY 14084
 (716) 297-9584
 FAX (716) 297-9584
 E-MAIL KLSNBMS@niaga.com




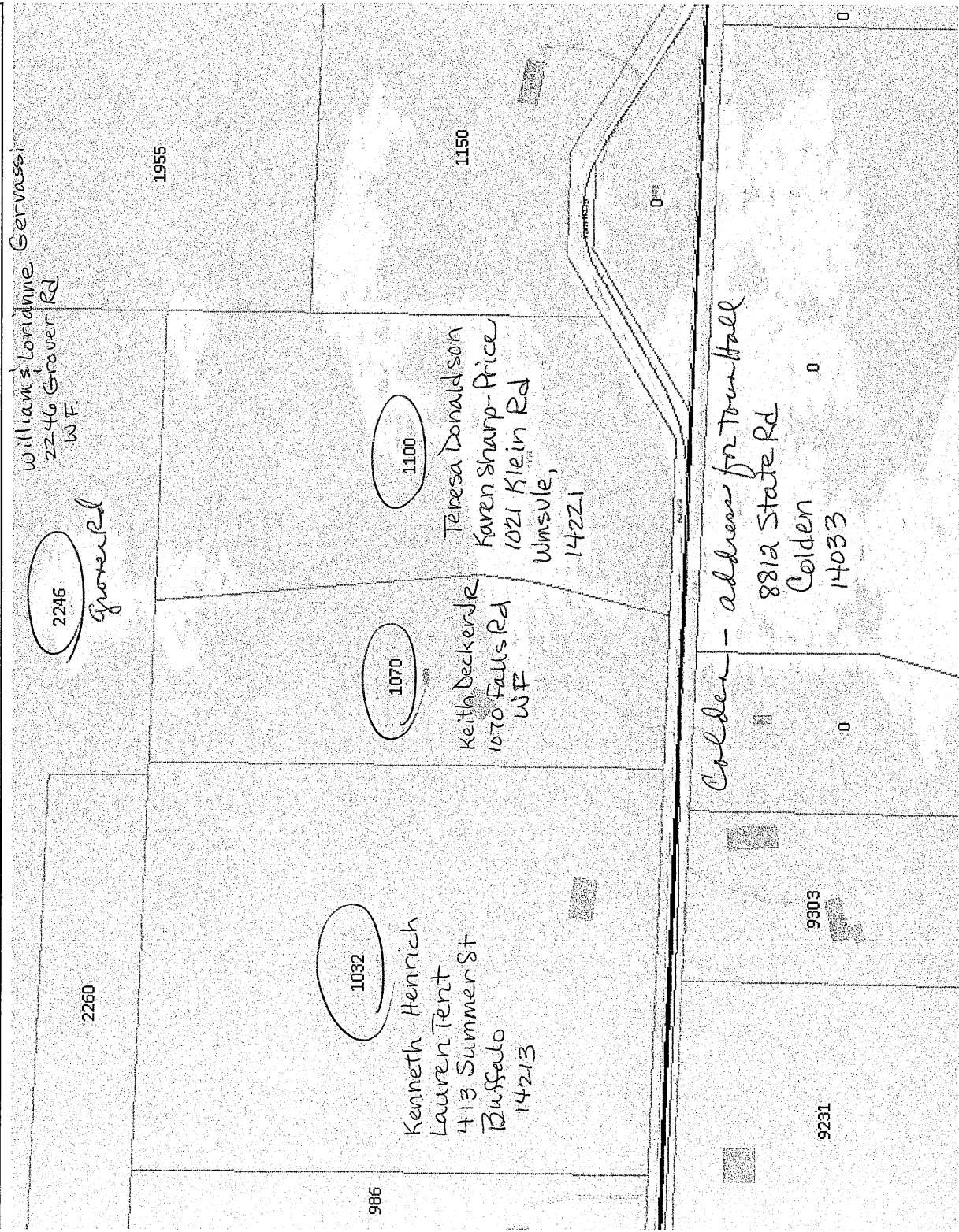
Erie County On-Line Mapping Application



Legend

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

1: 4,514

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.

ERIE COUNTY
DEPARTMENT OF ENVIRONMENT & PLANNING
OFFICE OF GIS

0 0.07 0.1 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
 THIS MAP IS NOT TO BE USED FOR NAVIGATION