



CASE NO. 1421

DATE OF HEARING 10/20/2022

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 Alex Handley
Address 12744 Bullis Rd.
City East Aurora State NY ZIP 14052
Phone (716) [redacted] Email alexh [redacted].com
Interest in the [redacted] (chaser/developer) Purchaser

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

Property Owner(s) Name(s) Paul Smith and Shirley Smith
Address 5079 Reiter Rd.
City East Aurora State NY ZIP 14052
Phone (716) 515-8326 Fax _____ Email _____

III. PROPERTY INFORMATION

Property Address 2271 Lapham Rd., East Aurora, NY, 14052
SBL# 176.00-3-20
Property size in acres 42.39 Property Frontage in feet 66 LF
Zoning District RLIA Surrounding Zoning RLIA
Current Use of Property Recreational

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)

Alex Handley
Signature of Applicant/Petitioner

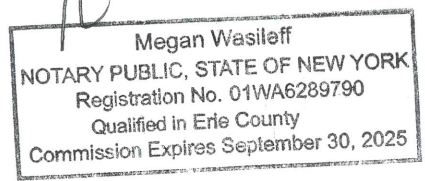
Alex Handley
Print name of Applicant/Petitioner

State of New York; County of Erie

On the 12th day of September in the year 2022 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.

Megan Wasileff
Notary Public

(Notary stamp)



Office Use Only: Date received: 9/14/22 Cash Receipt #: 385978

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)

My interest in this variance is to obtain permission from the town to be able to build a permanent residence not currently permitted by flag lot frontage requirements. It is my understanding the current minimum is 75 linear ft, this lot provides 66-70 linear feet. I'm hoping the town will agree that the property layout is somewhat different from typical flag lots the town is trying to monitor, due to the fact that where I would like to build, would be very hard to see from the 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 (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)

9/26/22

We are Paul J. & Shirley A. Smith
who sold our property in East Aurora
N.Y. 14052 on 2271 LAPHAM ROAD
TO Alex HANDLEY and we give
him our permission to Represent
us - Paul J. + Shirley A. Smith at
The Town Board meeting on
October 20th, 2022 to ask For
A VARIANCE on the property
at 2271 LAPHAM ROAD

Thank You,

Mr. & Mrs Paul Smith
5079 Reiter Rd Lot 6
East Aurora, N.Y 14052

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

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csnyder@townofaurora.com

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James F. Granville
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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
Brigid M. Maloney

TOWN JUSTICE
Jeffrey P. Markello
Anthony DiFilippo IV

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

FAX: (716) 652-3507

September 14, 2022

Alex Handley
12744 Bullis Rd
East Aurora, NY 14052

Dear Alex:

The Building Department has reviewed request to construct a future residence on an Open Development Area (ODA) lot on Lapham Rd (SBL 176.00-3-20). The request has been denied because it fails to meet the code requirements ODA lots in the Town.

Section 98-31A(2)

Required: The flagpole portion of the lot must have a minimum of 75' of frontage on an existing state, county or Town Road and maintain a minimum 75' wide ROW retained by the property owner.

Requested: flagpole 66' frontage and width
Variance: 9'

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 next available hearing. If you have any questions, please contact our office at 652-7591.

Additionally, if the variance is granted, you are required to apply to the Town Board for an ODA approval to build any structure over 400 sq. ft., as required by the Town Code Chapter 99-28 as of the date of the application.

Sincerely,

Elizabeth Cassidy
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: <i>Alex Handley</i> | | | |
| Project Location (describe, and attach a location map): <i>Building a Permanent Residence</i> | | | |
| Project Location (describe, and attach a location map): <i>2271 Lapham Rd., East Aurora, NY, 14052</i> | | | |
| Brief Description of Proposed Action: <i>In years to come, the plan would be to build my permanent residence on the property. A house or a barndominium.</i> | | | |
| Name of Applicant or Sponsor: <i>Alex Handley</i> | | Telephone: () - - | |
| | | E-Mail: <i>alex...@... .com</i> | |
| Address: <i>12744 Bullis Rd.,</i> | | | |
| City/PO: <i>East Aurora</i> | | State: <i>NY</i> | Zip Code: <i>14052</i> |
| 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 <input type="checkbox"/> |
| | | | YES <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: <i>To a Building Permit</i> | | | NO <input type="checkbox"/> |
| | | | YES <input checked="" type="checkbox"/> |
| 3. a. Total acreage of the site of the proposed action? | | <i>3-6</i> acres | |
| b. Total acreage to be physically disturbed? | | <i>3</i> acres | |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? | | <i>42.5</i> acres | |
| 4. Check all land uses that occur on, are adjoining or 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 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? | NO | YES | N/A |
| | <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? | | NO |
| | | <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 services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the 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 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: <u>A septic system</u> <u>would be installed.</u> | | NO | YES |
| | | <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? 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? | | NO | YES |
| | | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | | <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 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, | NO | YES |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| a. Will storm water discharges flow to adjacent properties? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| If Yes, briefly describe: _____ _____ | | |
| 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"/> |
| I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Alex Handley</u> Date: <u>09/11/22</u> Signature: <u>Alex Handley</u> Title: _____ | | |



Successors to the records of Cook Land Surveyors
 successors to the records of Cook Land Surveyors

NOTED:
 THIS SURVEY WAS CONDUCTED BY THE SURVEYOR
 IN ACCORDANCE WITH THE PROVISIONS OF
 SECTION 24-100 OF THE GENERAL
 OCEANOGRAPHY AND SURVEYING
 LAW OF THE STATE OF NEW YORK
 AND THE REGULATIONS THEREUNDER
 AND THE SURVEYOR'S CERTIFICATE
 OF QUALIFICATION IS ON FILE IN THE
 OFFICE OF THE SURVEYOR, STATE
 OF NEW YORK, ALBANY, NEW YORK

SURVEY
VACANT LAND - LAPHAM ROAD

DIVISION OF LANDS OF
 CHRISTA M. BROWN & PAUL J. SMITH
 LIBER 11295, PAGE 6220
 TAX ID. NO. 176-00-3-6-111

Theresa M. Brown

TOWN OF ALBANY
 COUNTY OF ALBANY
 STATE OF NEW YORK

BROWN BY: DMS
 CHECKED BY: TAK
 DATE: 03/18/16

SCALE: 1" = 40'
 JOB NO. 43-1477
 SHEET NO. 1 OF 1

Wells & Clark, Inc.
 60 Varney Street, Albany, NY 12206
 (518) 485-1388
 www.wellsandclark.com



Erie County On-Line Mapping Application



Legend

- Parcels

0 0.28 0.6 Miles

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.

1: 18,056

