

original



CASE NO. 1444

DATE OF HEARING 7/20/23

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 BRYAN YOUNG (431 WILLIAMSHIRE RD LLC)
Address 555 WILLIAMSHIRE RD
City EAST AURORA State NY ZIP 14052
Phone ax _____ Email BYO@EQUIPMENTINC.COM
Interest in _____ /purchaser/developer OWN

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 431 WILLIAMSHIRE RD
SBL# 103.00-3-20.21
Property size in acres 19 +/- Property Frontage in feet 850' +/-
Zoning District RR # A Surrounding Zoning RR # A
Current Use of Property HORSE STABLE, SHOP, OUTDOOR RIDING AREAS

IV. REQUEST DETAIL

(check all that apply)

Variance from Ordinance Section(s) # 116-8.4E(4) & 116-8.4B(2)
 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]
Signature of Applicant/Petitioner

Bryan Nowing
Print name of Applicant/Petitioner

State of New York; County of Erie

On the 7th day of June in the year 2023 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.

[Signature]
Notary Public

(Notary stamp)
JOSEPH P YOUNG
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01YO6378745
Qualified in Erie County
Commission Expires July 30, 2026

Office Use Only: Date received: 6/12/23 \$100 ck 1317 Receipt #: 568 347 KARJODTC

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)

CONSTRUCTION OF AN OUTDOOR RIDING ARENA LOCATED 144' FROM THE WILLARDSHIRE RD R.O.W., IN FRONT OF THE PRIMARY STRUCTURE. THE LOCATION OF THE INDOOR ARENA IS IN THE APPROX. SAME LOCATION OF THE EX. OUTDOOR ARENA. THE MAX HEIGHT OF THE INDOOR ARENA IS 27', 15' IS ALLOWED. THE LOCATION IS NECESSARY IN ORDER TO BE IN PROXIMITY TO THE EXISTING STABLE & PASTURE. THE HEIGHT IS NECESSARY TO ALLOW FOR PROPER INSIDE CLEARANCE & TO PROVIDE A RESIDENTIAL TYPE ROOF. THE ARENA IS LOCATED IN THE RR PORTION OF THE PROPERTY 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

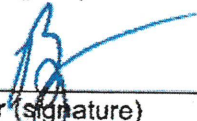
The undersigned, who is the owner of the premises know as:

231 WILLIAMSHIRE RD (address), identified as Tax Map (SBL)# 143.00-3-20.2

hereby authorizes CHRISTOPHER WOOD 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.

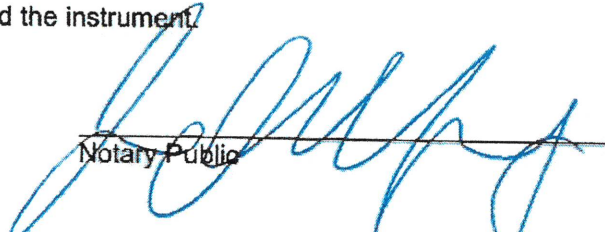
Bryan Young
Owner (print)

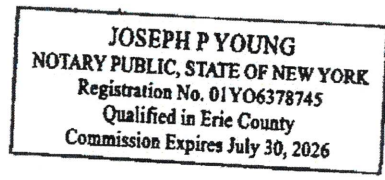
6/9/23
Date


Owner (signature)

STATE OF NEW YORK)
) SS
COUNTY OF ERIE)

On this 9th day of June, 2023, before me, the undersigned, a notary public in and for said state, personally appeared Bryan Young, 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

Charles D. Snyder
csnyder@townofaurora.com

Luke Wochensky
lwochensky@townofaurora.com

James F. Granville
jgranville@townofaurora.com

Joseph M. McCann
jmccann@townofaurora.com

Bryan Young
555 Willardshire Rd
East Aurora, NY 14052

Bryan:

The Building Department has reviewed your request to construction an indoor riding arena at your property at 431 Willardshire Rd. The request has been denied because it fails to meet the code requirements for an accessory building in the RR Zoning District in which your property is located.

SUPT. OF HIGHWAYS

David M. Gunner
(716) 652-4050
highway@townofaurora.com

Section 116-8.4E(4) & 116-18A(1)

Required: No accessory building/structure shall be erected in the front yard

Requested: Accessory building in the front yard

Variance: Accessory building in the front yard

CODE ENFORCEMENT OFFICER

Elizabeth Cassidy
(716) 652-7591
building@townofaurora.com

Section 116-8.4B(2) & 116-18B

Required: Maximum mean height for accessory buildings is one story not to exceed 15'

Requested: Mean height of 27'

Variance: 12'

ASSESSOR

Roger P. Pigeon
assessor@townofaurora.com
(716) 652-0011

DIR. OF RECREATION

Christopher Musshafen
(716) 652-8866
chris@townofaurora.com

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.

TOWN ATTORNEY

Brigid M. Maloney

Sincerely,

TOWN JUSTICE

Jeffrey P. Markello
Anthony DiFilippo IV


Elizabeth Cassidy
Code Enforcement Officer

HISTORIAN

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

FAX: (716) 652-3507

**SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, N.Y.
AND REPLY TO MUNICIPALITY**

Submit this form with full statement of proposed action (as described in GML 239-m(c)) at www.Erie.gov/IRonline, OR mail a hard copy (retain a copy for your files) to: Erie County Division of Planning, 95 Franklin Street, Room 1053, Buffalo, N.Y., 14202

DO NOT WRITE IN THIS SPACE

Case No.: _____

Postmark/Delivery Date: _____

The proposed action described herein is referred in accordance with the provisions of NYS General Municipal Law §239 1 - nn
A Municipal Referral Map is available to help determine whether an applicable action is subject to referral.

Description of Proposed Action

1. Name of Municipality: Town of Aurora

§239-m(4)(b) provides that the county shall have 30 days after receipt of a full statement of the proposed action to reply.
If the county fails to reply within such period, the referring body may take final action.
However, any county reply received after 30 days but 2 or more days prior to final action by the referring body shall be subject to §239-m(5)
The referring body shall file a report of its final action with the county within 30 days per §239-m(6).

2. Hearing Schedule: Date 7/20/2023 Time 8:00pm Location 575 Oakwood 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 Address: 431 Willardshire Road

5a. S.B.L. of Property: 163.00-3-20.21

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: Proposed accessory building (indoor riding arena) in front yard not allowed by Town Code; height of proposed accessory building exceeds height allowed by Town Code
(specify the action, such as the scope of variances or site plans)

8. Other remarks: _____

9. Submitted by: Martha Libroek, Town Clerk Email: townclerk@townofaurora.com

10. Return Address: 575 Oakwood Ave., East Aurora, NY 14052

Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on _____. 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. Comment on proposed action is attached hereto.
3. The proposed action is subject to review; Recommendation on Proposed Action is attached hereto.
4. No Recommendation; proposed action has been reviewed and determined to be of local concern.

By the Division of Planning: _____ Date: _____

Short Environmental Assessment Form

Part 1 - Project Information

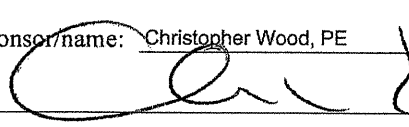
Instructions for Completing

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: Construction of an Indoor Riding Arena				
Project Location (describe, and attach a location map): 431 Willardshore Road Town of Aurora Erie County				
Brief Description of Proposed Action: Construction of a 180' x 80' indoor riding arena. The location of the riding arena is zoned R-R (Rural Residential), the proposed structure is an allowed use. The structure is proposed to be located approximately where the existing outdoor riding arena is. An area variance is required for the location and the height. Per Aurora Zoning Code Section 116-8.4E(4), accessory structures are not allowed in the front yard. Per Aurora Zoning Code Section 116-8.4B(2), accessory structures shall not exceed 15 ft mean height, 27' mean height proposed.				
Name of Applicant or Sponsor: Bryan Young	Telephone:	E-Mail: bryanyoungdevelopmentinc.com		
Address: 555 Willardshire Road				
City/PO: Eat Aurora	State: NY	Zip Code: 14052		
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 checked="" 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:			NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____			< 0.1 acres	
b. Total acreage to be physically disturbed? _____			<0.1 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____			122 +/- acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:				
5. <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 checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):				
<input type="checkbox"/> Parkland				

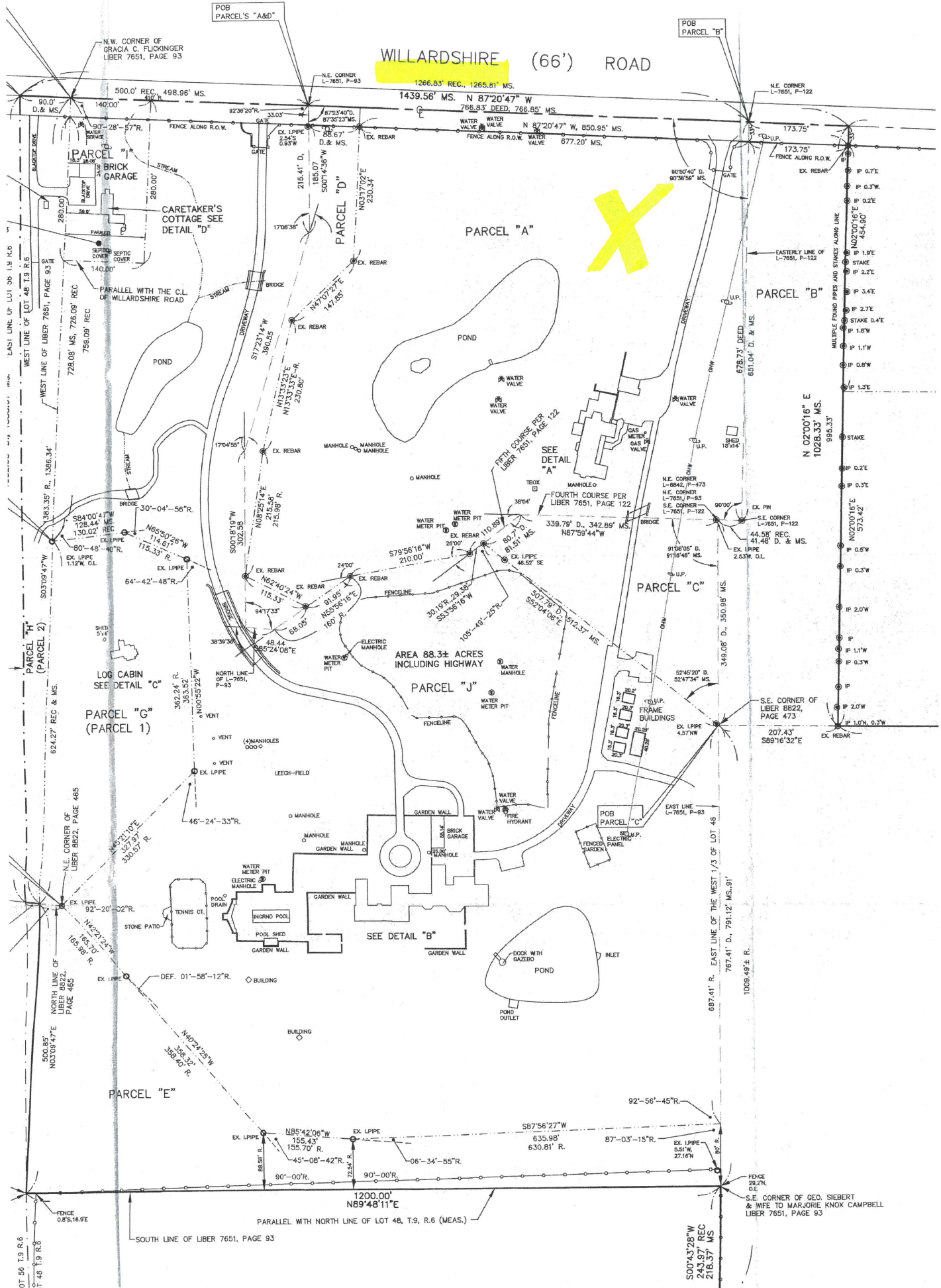
5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	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? 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 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: _____ necessary sewer will be provided by a private septic system	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: _____ Note, the portion of the site to be developed does not contain wetlands _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" 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 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?	NO	YES
If Yes,	<input type="checkbox"/>	<input checked="" 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)?	NO	YES
If Yes, explain the purpose and size of the impoundment: _____ _____	<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?	NO	YES
If Yes, describe: _____ _____	<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?	NO	YES
If Yes, describe: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Site is located east of the previous location of the Nike base but has been previously remediated by the Federal government, note that it was not located on the project property		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Christopher Wood, PE</u> Date: <u>6/9/23</u>		
Signature: <u></u> Title: <u>Project Engineer</u>		

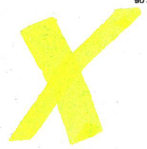
Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes



WILLARDSHIRE (66') ROAD



1266.83' REC., 1265.81' MS.

1439.56' MS. N 87°20'47" W

766.83' DEED, 766.85' MS.

N 87°20'47" W, 850.95' MS.

FENCE ALONG R.O.W. WATER VALVE

677.20' MS.

173.75'

N 02°00'16" E

1028.35' MS.

995.33'

STAKE

IP 0.2'E

IP 0.3'W

IP 0.2'E

IP 1.9'E

IP 2.2'E

IP 3.4'E

IP 2.7'E

IP 1.8'W

IP 1.1'W

IP 0.6'W

IP 1.3'E

IP STAKE

IP 0.2'E

IP 0.3'E

IP 1.9'E

IP 2.0'W

IP 0.5'W

IP 0.5'W

IP 2.0'W

IP 1.1'W

IP 0.3'W

IP

IP 2.0'W

IP 1.0'W, 0.3'W

EX. REBAR

687.41' R. EAST LINE OF THE WEST 1/3 OF LOT 48

767.41' D., 791.12' MS., 81'

1009.49' R.

S.E. CORNER OF GEO. SIEBERT & WIFE TO MARJORIE KNOX CAMPBELL

LIBER 7651, PAGE 93

S. 00°43'28" W

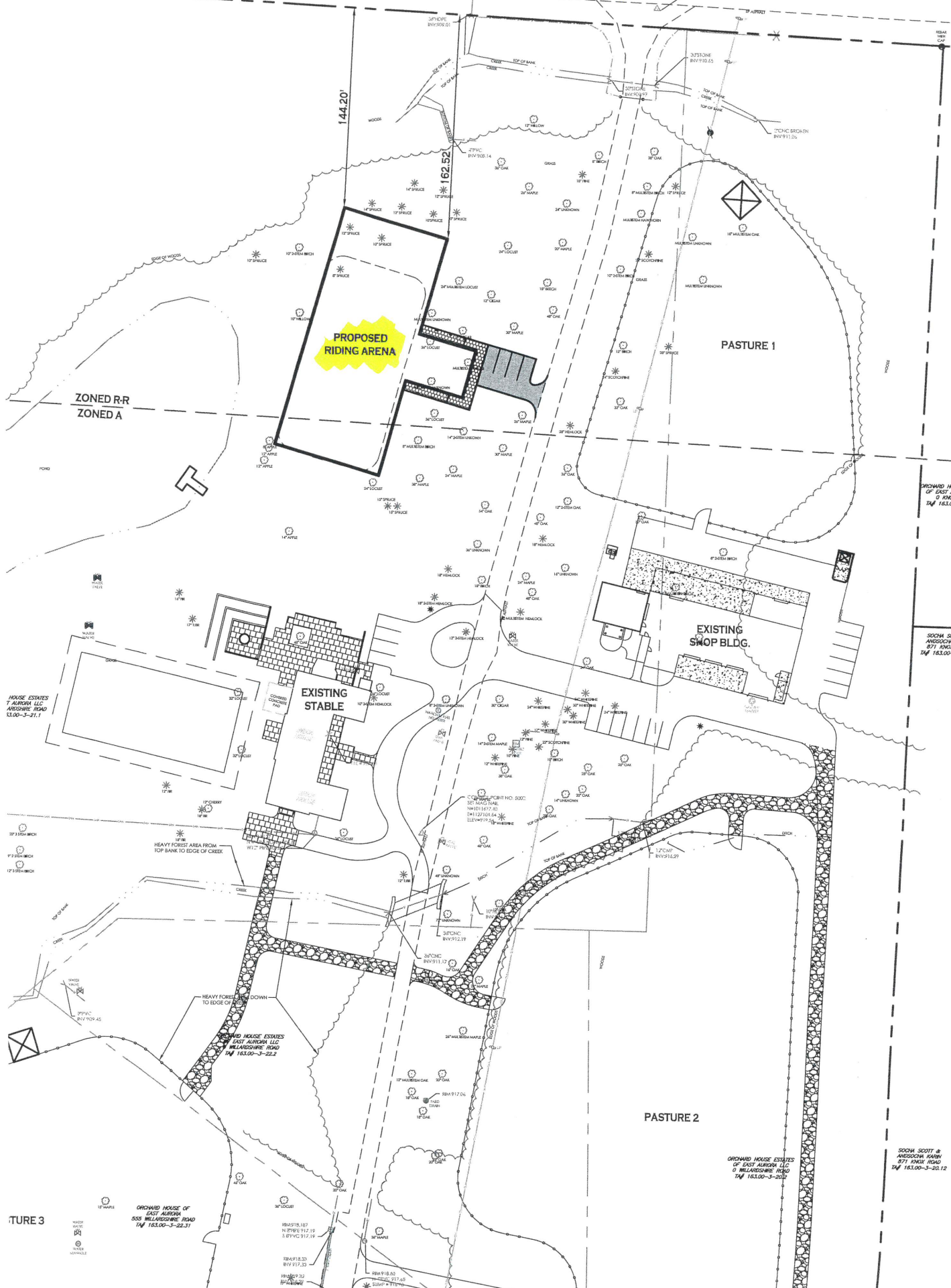
218.37' REC

218.37' MS.

CONCRETE PILE NO. 5001
SET MAID NAIL
NWD 1215.59
E 111271.31
ELEV 411.65

CONCRETE PILE NO. 5002
SET MAID NAIL
NWD 1215.59
E 111271.31
ELEV 411.65

WILLARDSHIRE ROAD



ATURE 3

ORCHARD HOUSE OF EAST AURORA
555 WILLARDSHIRE ROAD
TN 38300-3-22.31

RB4218.167
N 87° 00' 00" E 117.12
3.87 PVC 917.19

RB4218.20
R/V 917.20

RB4218.21
R/V 917.21

RB4218.22
R/V 917.22

RB4218.23
R/V 917.23

RB4218.24
R/V 917.24

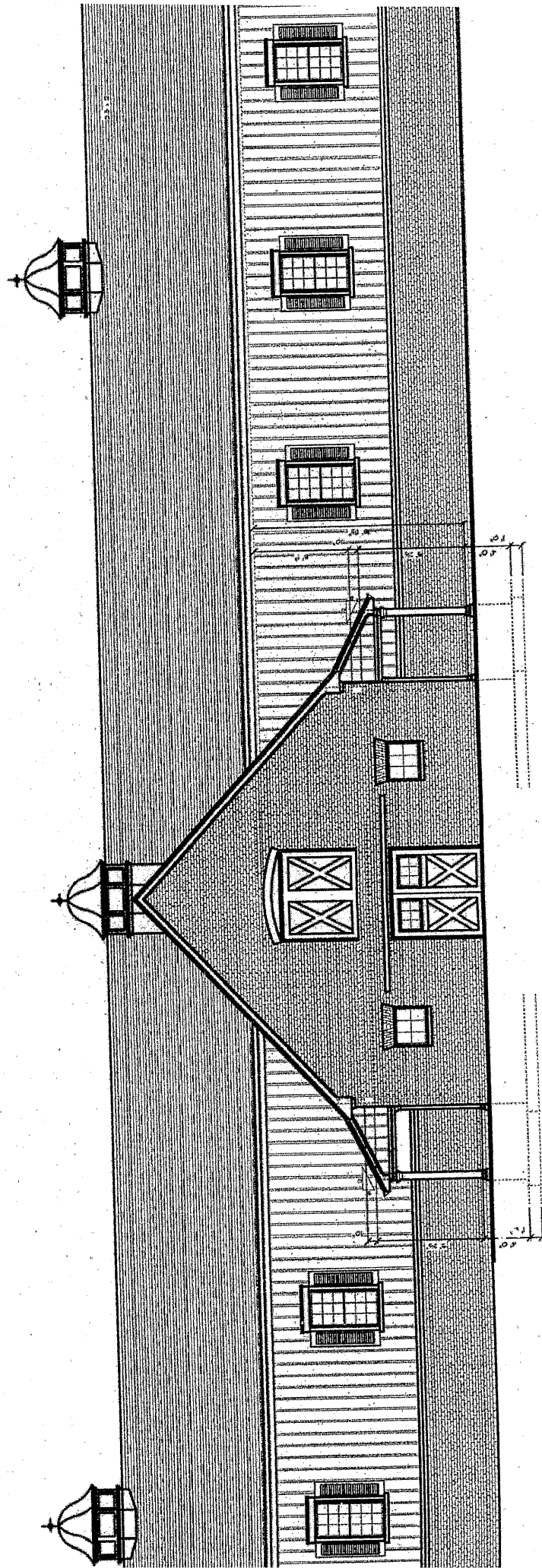
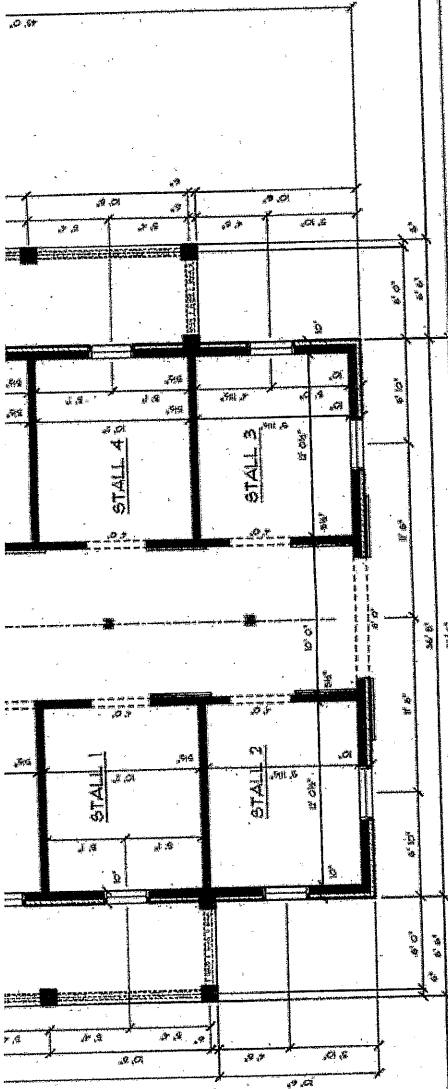
ORCHARD JK. OF EAST A. D. INC.
TN 38300-

SCOTT SC ANDSON & KAHN
871 KING ROAD
TN 38300-

SCOTT SCOTT & ANDSON & KAHN
871 KING ROAD
TN 38300-3-22.12

ORCHARD HOUSE ESTATES OF EAST AURORA LLC
0 WILLARDSHIRE ROAD
TN 38300-3-22.22

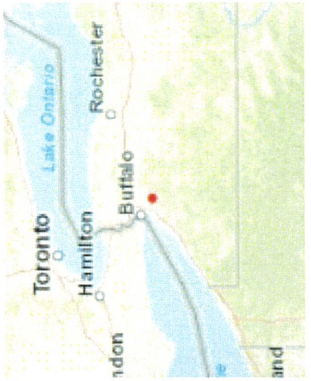
A PLAN



FRONT ELEVATION



Erie County On-Line Mapping Application



Legend
 □ Parcels

0 0.07 0.1 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: 4,514



CASE 14744 431 Willardshire



Erie County On-Line Mapping Application

574
Wayne + Elizabeth Keller
560 Willardshire

Sherry Berner
540 Willardshire
540 Willardshire

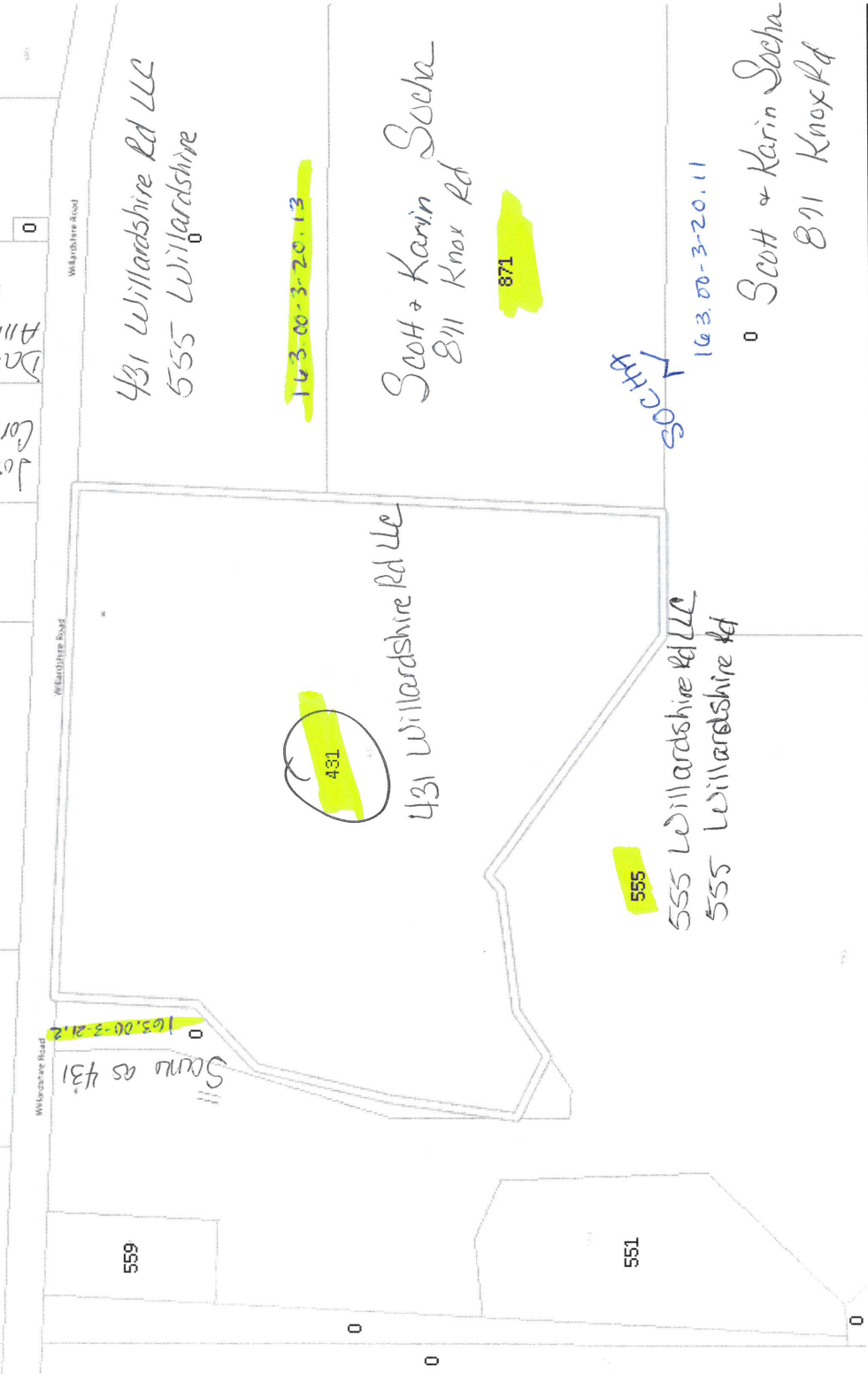
Martin + Ann Marie Biron
488 Willardshire
488 Willardshire

Lawrence + Mary Ann Best
420 Willardshire
420 Willardshire

Joseph + Therese Corrigan
402 Willardshire
402 Willardshire

Daniel Giacomin
372 Willardshire
372 Willardshire

0
340



KNOX ROAD

Legend

- Parcels

0 0.07 0.1 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**

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1: 4,514