

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)

Michael J. Garvey

Signature of Applicant/Petitioner

Michael J. Garvey

Print name of Applicant/Petitioner

Julia D. Garvey

Julia D Garvey

State of New York; County of Erie

On the 25 day of Sept 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.

Matthew J. Garvey

Notary Public

(Notary stamp)

MATTHEW J. GARVEY
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02GA4835072
Qualified in Erie County
Commission Expires 02/28/24

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)

My garage burned down over 1 year ago. I have been negotiating with the insurance company and have just concluded those negotiations to permit me to rebuild my garage in the same location only up to the boundary line of the property to the east owned by my brother, Matthew Garvey.

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



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

October 10, 2023

Charles D. Snyder
csnyder@townofaurora.com

Luke Wochensky
lwochensky@townofaurora.com

James F. Granville
jgranville@townofaurora.com

Joseph M. McCann
jmccann@townofaurora.com

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

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

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(716) 652-0011

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

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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

*This institution is an equal
opportunity provider and employer.*

Michael and Julia Garvey
1250 Big Tree Road
East Aurora, NY 14052

Michael:

The Building Department has reviewed your request to construct a detached garage at *1250 Big Tree Road (SBL 165.00-1-26)*. The request has been denied because the existing dwelling and new accessory structure fails to meet the requirements *for front and side yard setbacks for an ODA lot*.

Section 99-31A(5)
Required: Minimum of 200' front yard setback for the dwelling
Requested: 151.7' front yard set back
Variance: 48.3'

Section 99-31A(6)
Required: Minimum of 50' side yard setback for the dwelling
Requested: 42.53' side yard setback
Variance: 7.47'

Section 99-31A(5)
Required: Minimum of 200' front yard setback for the accessory structure
Requested: 170.15' front yard set back
Variance: 29.85'

Section 99-31A(6)
Required: Minimum of 50' side yard setback for the accessory structure
Requested: 50' side yard setback
Variance: 50'

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.

Sincerely,

Richard Miga
Asst. Code Enforcement Officer

**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 11/16/2023 Time 7:00pm 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 Address: 1250 E. Main Street (Route 20A)

5a. S.B.L. of Property: 165.00-1-26

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 garage closer to side lot line than allowed by Town Code
(specify the action, such as the scope of variances or site plans)

8. Other remarks: Requesting -0- clearance from the lot line

9. Submitted by: Martha Librock, 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			
Michael & Julia Garvey			
Name of Action or Project: Reconstructin of a garage			
Project Location (describe, and attach a location map): 1250 Big Tree Road (a/k/a East Main St.) E. Aurora NY 14052			
Brief Description of Proposed Action: Reconstructin of a garage			
Name of Applicant or Sponsor: Michael & Julia Garvey		Telephone:	
		E-Mail: mg	
Address: 1250 East Main St.			
City/PO: East 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 YES <input checked="" type="checkbox"/> <input 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:			NO YES <input checked="" type="checkbox"/> <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		3.94	acres
b. Total acreage to be physically disturbed?			acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		3.94	acres
4. Check all land uses that occur on, adjoining and 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 type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

<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)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</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?</p> <p>If Yes, describe: _____</p> <p>_____</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?</p> <p>If Yes, describe: _____</p> <p>_____</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>Michael Garvey & Julia Garvey</u></p>		<p>Date: <u>9-26-23</u></p>
<p>Signature: <u><i>Michael Garvey</i></u> <u><i>Julia Garvey</i></u></p>		

This Indenture, made the 19th day of April, 2000.
Witnesseth, that

JAMES A. GARVEY and MARIE M. GARVEY,
residing at 1250 E. Main Street, East Aurora 14052
GRANTOR(S)

in consideration of \$1.00 and more received by GRANTOR(S) subject to the trust fund provisions of section thirteen of the lien law hereby grant(s) and release(s) unto

MICHAEL J. GARVEY and JULIA D. GARVEY, husband and wife
residing at 13748 Big Tree Road, East Aurora, NY 14052
GRANTEE(S),

All that Tract or Parcel of Land, situate in the Town of Aurora, County of Erie and State of New York, being part of Lot No. 8, Township 9, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point which is the northwest corner of premises conveyed to Katherine W. Howard by deed recorded in the Erie County Clerk's Office in Liber 1389 of Deeds at page 461, said point being 849 feet north of the north bounds of the Big Tree Road as measured along the west line of lands of said Katherine W. Howard, thence northerly and on and along the west line of lands conveyed to James A. Garvey and Emile A. Haar by deed recorded in Liber 7385 of Deeds at page 529 in the Erie County Clerk's Office, a distance of 253 feet to a point; thence easterly at an interior angle of $89^{\circ} 54'$, a distance of 340 feet to a point which is 60 feet west of the easterly line of lands conveyed to James A. Garvey and Emile A. Haar by said deed aforesaid; thence southerly and on a line parallel to the east line of lands of said James A. Garvey and Emile A. Haar as described by said deed aforesaid, a distance of 603 feet; thence westerly a distance of 241 plus or minus feet, to the east line of lands of the said Katherine W. Howard, said point being 499 feet northerly of the north boundary line of the Big Tree Road; thence northerly along the east line of said lands of Katherine W. Howard at an interior angle of $90^{\circ} 06'$, a distance of 350 feet to the northeast corner of lands of said Katherine W. Howard as described by said deed aforesaid; thence westerly along the north line of lands of the said Katherine W. Howard as described in said deed aforesaid, a distance of 99 feet to the point or place of beginning.

TOGETHER WITH and including a right of way and easement for ingress, egress and installation and repair of utilities from the south line of the above described premises to the north bounds of Big Tree Road, the east line of said easement or right of way being an extension southerly of the east line of premises above described to then north bounds of Big Tree Road, thence westerly along the north bounds of Big Tree Road, a distance of 30 feet; thence northerly and on a line parallel to the easterly boundary of said easement or right of way a distance of 499, plus or minus, feet to the south line of premises described hereinabove.

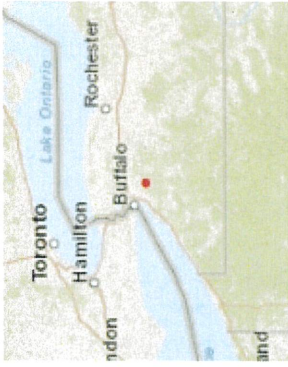
AUR 438m

770

19
DIB-2



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

