



CASE NO. 1454
 DATE OF HEARING 12.21.23

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 Greg Shepard
 Address 1450 Glen Rd
 City South Wales NY 14139 State NY ZIP 14139
 Phone 716 Email grs
 Interest in th purchaser/developer ed Safety .com

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

Property Owner(s) Name(s) Frank
 Address _____
 City _____ State _____ ZIP _____
 Phone _____ Fax _____ Email _____

III. PROPERTY INFORMATION

Property Address (6378) ^{4/L} Glen Rd
 SBL# 201.15-1-10 (E-501.16-1-1 Town of Niles St.)
 Property size in acres 2.60 Property Frontage in feet 0
 Zoning District A Surrounding Zoning RL/A
 Current Use of Property Residential

IV. REQUEST DETAIL

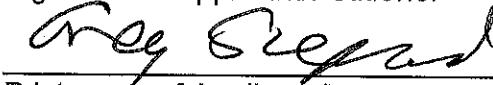
(check all that apply)

Variance from Ordinance Section(s) # 99-31 A(1), A(4), A(4)(a), A(5), A(6), A(8); 116-8.5F(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)



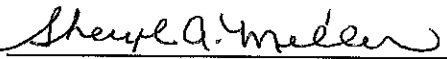
Signature of Applicant/Petitioner



Print name of Applicant/Petitioner

State of New York; County of Erie

On the 30th day of October 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.



Notary Public

(Notary stamp) **SHERYL A. MILLER**
Reg. #01MI6128663
Notary Public, State of New York
Qualified In Erie County
Commission Expires June 13, 2025

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)

There is an existing Pole Barn on the Property. We want to build an Apartment inside the Pole Barn.

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: blends into the surrounding properties

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: blends into the surrounding properties. Distance of the Apartment is further away from other residence

4) Is your need for a use variance a result of you own actions (is your difficulty self-created)? Please explain: N/A

(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

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csnyder@townofaurora.com

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lwochensky@townofaurora.com

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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.*

Gregory Shepard
1450 Olean Rd
South Wales, NY 14139

October 27, 2023

Gregory:

The Building Department has reviewed your request to convert a pole barn to habitable space at your property on Olean Rd SBL: 201.15-1-10. The request has been denied because it fails to meet the code requirements for ODA lots and accessory buildings in the Town.

Section 99-31A(1)

Required: Minimum lot size will be three acres exclusive of the "flagpole" portion of the property.
Requested: Lot size of 1.38 acres
Variance: 1.62 acres

Section 99-31A(4)

Required: All access roadways will be 20 feet wide from the street ROW to the residence
Requested: Driveway width of 9'
Variance: 11'

Section 99-31A(4)(a)

Required: At every increment of 150' of access roadway length, there will be an additional vehicle pass-by bump-out measuring a minimum of 6' wide and 25' long.
Requested: Eliminate 1 bump-out
Variance: 1 bump-out

Section 99-31A(5)

Required: Front yard setback is 200' from the boundary line parallel to the street ROW.
Requested: Front yard setback of 106'
Variance: 94'

Section 99-31A(6)

Required: Side yard setback is 50'
Requested: Side yard setback of 35.26'
Variance: 14.74'

Section 99-31A(8)

Required: Minimum lot width is 200' for boundary line parallel to the street ROW
Requested: Lot width of 195'
Variance: 5'

Section 116-8.5F(2)

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

**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 - m
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** 12/21/2023 **Time** 7:00pm **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: 6378 Olean Rd., PO S.Wales, NY

5a. S.B.L. of Property: 201.15-1-10

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: Conversion of pole barn into habitable space on an ODA lot requires variances for lot size, access width, front and side yard setbacks, lot width and accessory building in front yard.
(specify the action, such as the scope of variances or site plans)

8. Other remarks: This lot has no frontage on a platted highway due to municipal boundary dividing the property.

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

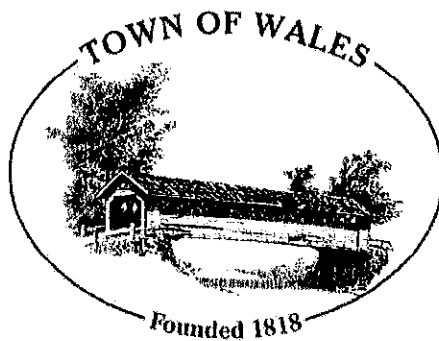
Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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							
Name of Action or Project: <i>Greg Shepard</i>							
Project Location (describe, and attach a location map): <i>6378 Ocean Rd South Wales, NY 14139</i>							
Brief Description of Proposed Action: <i>To build a Mom & Pop Apartment inside Existing Pole Barn</i>							
Name of Applicant or Sponsor: <i>Greg Shepard</i>		Telephone: _____	<i>465 Safety com</i>				
Address: <i>1450 OCEAN RD</i>		E-Mail: <i>GS</i>					
City/PO: <i>South Wales</i>	State: <i>NY</i>	Zip Code: <i>14139</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 checked="" 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:			YES <input type="checkbox"/>				
3.a. Total acreage of the site of the proposed action?			NO <input checked="" type="checkbox"/>				
b. Total acreage to be physically disturbed?			YES <input type="checkbox"/>				
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?							
<table style="width: 100%; border: none;"> <tr> <td style="width: 25%;"><i>2.61</i> acres</td> <td style="width: 25%;"><i>1/2</i> acres</td> <td style="width: 25%;"><i>2.61</i> acres</td> <td style="width: 25%;"></td> </tr> </table>				<i>2.61</i> acres	<i>1/2</i> acres	<i>2.61</i> acres	
<i>2.61</i> acres	<i>1/2</i> acres	<i>2.61</i> acres					
4. Check all land uses that occur on, adjoining and near the proposed action.							
<input type="checkbox"/> Urban <input 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							

5. Is the proposed action, a. A permitted use under the zoning regulations?	<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?	<input type="checkbox"/>	<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 type="checkbox"/>	<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"/>	<input type="checkbox"/>
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input 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"/>	<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"/>	<input type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: <u>Septic</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input 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: _____	<input checked="" type="checkbox"/>	<input 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 type="checkbox"/> Forest <input 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100 year flood plain?	<input checked="" type="checkbox"/>	<input 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: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<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>_____</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>_____</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>_____</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>Greg Seal</u></p>	<p>Date: <u>10-28-23</u></p>	
<p>Signature: <u>[Handwritten Signature]</u></p>		



RESOLUTION OF CONSENT FOR USE OF A RIGHT-OF-WAY

WHEREAS, Greg Shepard is the owner of 6378 Olean Road, South Wales, New York, which property is contiguous in both the Town of Wales and the Town of Aurora as depicted on the attached Schedule A Survey, and

WHEREAS, Shepard has applied to the Town of Aurora for a Building Permit to construct a residence on the portion of the property located in the Town of Aurora, and

WHEREAS, access to such property is by the stone driveway extending from Olean Road to the parcel in the Town of Aurora, and

WHEREAS, the Town of Aurora has requested the consent of the Town of Wales to permit the stone driveway located on the property within the Town of Wales to be used as access to the property in the Town of Aurora,

NOW, THEREFORE, be it

RESOLVED, the Town Board of the Town of Wales has no objection to the use of the driveway as identified in the attached Survey to provide access to the Town of Aurora property for the purpose of constructing a one family the residence, and be it further

RESOLVED, that the Town Clerk is directed to provide a certified copy of this Resolution to the Clerk of the Town of Aurora.

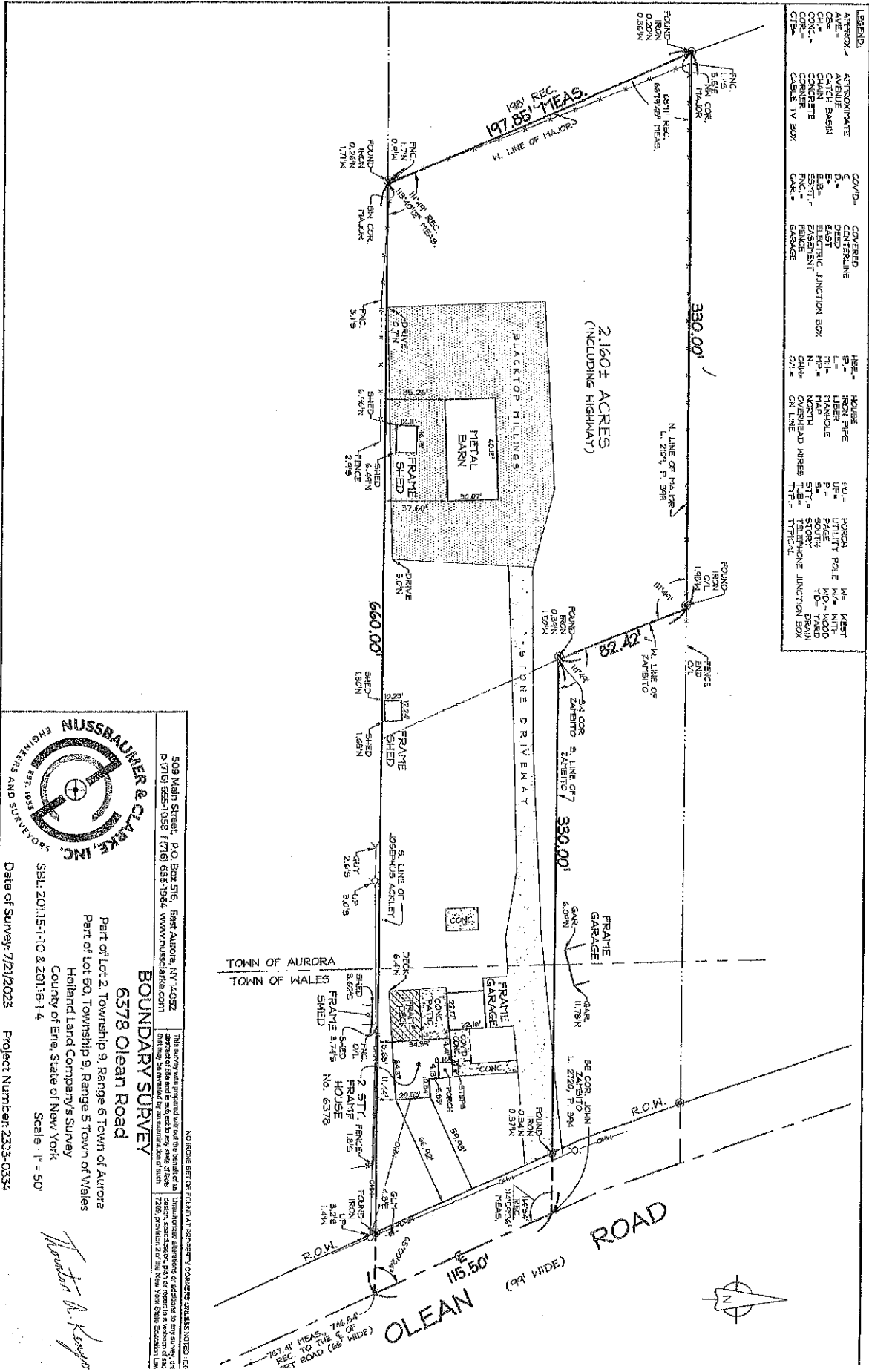
MOTION# ___ by Supervisor Howard and seconded by Councilman Butcher approving the Resolution of content for use of a right of way. 4 ayes 0 noes Carried.

Duly adopted this 10TH day of October 2023.

A handwritten signature in black ink, appearing to read "John H. [unclear]", is written over a horizontal line.

Wales Town Clerk

LEGEND	APPROXIMATE	COVERED	HOUSE	POUR	CONCRETE
APPROXIMATE	APPROXIMATE	COVERED	HOUSE	POUR	CONCRETE
AVENUE	AVENUE	CENTERLINE	IRON PIPE	UTILITY	CONCRETE
CHURN	CHURN	ELECTRIC	LISSER	STORY	CONCRETE
CONCRETE	CONCRETE	ELECTRIC JUNCTION BOX	PASCHOLE	STORY	CONCRETE
CORNER	CORNER	EASTERN	NORTH	STORY	CONCRETE
CORNER	CORNER	WESTERN	OVERHEAD WIRE	STORY	CONCRETE
CORNER	CORNER	FRIDGE	ON LINE	STORY	CONCRETE
CORNER	CORNER	GRASS	ON LINE	STORY	CONCRETE
CORNER	CORNER	GRASS	ON LINE	STORY	CONCRETE
CORNER	CORNER	GRASS	ON LINE	STORY	CONCRETE



NUSSBAUMER & CLARKE INC.
ENGINEERS AND SURVEYORS

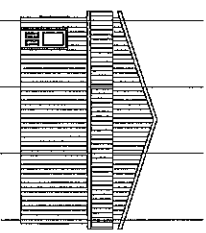
509 Main Street P.O. Box 216 East Aurora, NY 14052
P (716) 685-1058 F (716) 685-1964 WWW.NUSSBAUMERCLARKE.COM

BOUNDARY SURVEY
6378 Clean Road
Part of Lot 2, Township 9, Range 6 Town of Aurora
Part of Lot 60, Township 9, Range 5 Town of Wales
Holland Land Company's Survey
County of Erie, State of New York

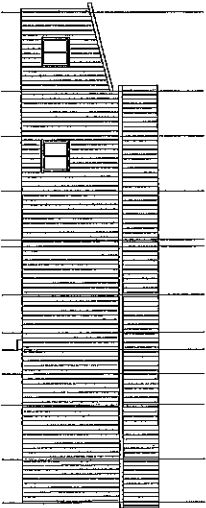
SBL: 2011E-1-10 & Z0116-1-4 Scale: 1" = 50'
Date of Survey: 7/21/2023 Project Number: 2313-0334

Donald A. Kruger

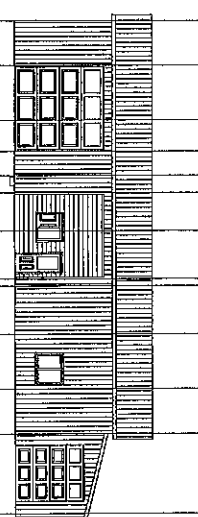
NO RECORD SET FOR FOUND AT PROPERTY CORNERS. JURISDICTION: STATE OF NEW YORK. THIS SURVEY WAS PREPARED UNDER THE SUPERVISION OF THE LICENSED PROFESSIONAL ENGINEER AND SURVEYOR. THE DESIGNATION OF THE SURVEYOR IS INDICATED BY THE SIGNATURE AND SEAL. THE SURVEYOR'S SEAL IS A REQUIREMENT OF THE STATE OF NEW YORK. THE SURVEYOR'S SEAL IS A REQUIREMENT OF THE STATE OF NEW YORK. THE SURVEYOR'S SEAL IS A REQUIREMENT OF THE STATE OF NEW YORK.



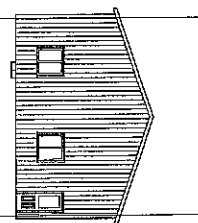
5 END ELEVATION
SCALE: 1/8" = 1'-0"



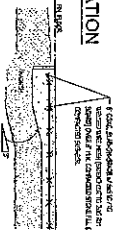
6 REAR ELEVATION
SCALE: 1/8" = 1'-0"



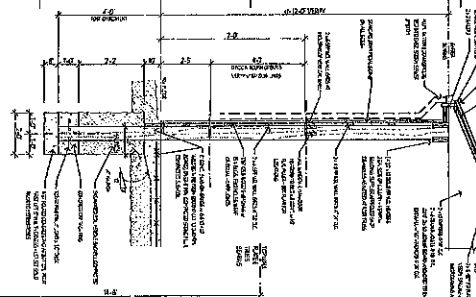
3 FRONT ELEVATION
SCALE: 1/8" = 1'-0"



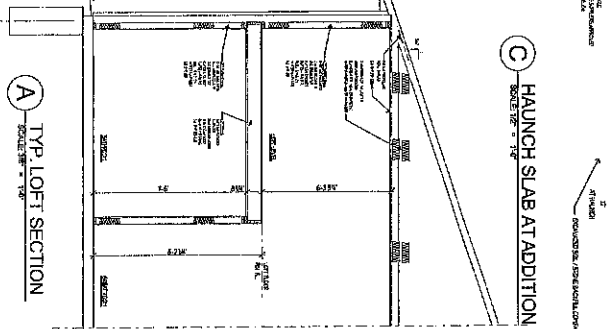
4 EXIST. END ELEVATION
SCALE: 1/8" = 1'-0"



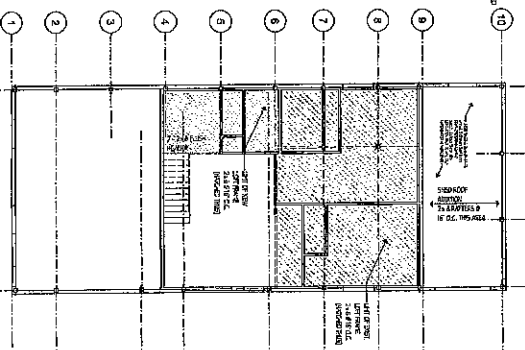
C HAUNCH SLAB AT ADDITION
SCALE: 1/8" = 1'-0"



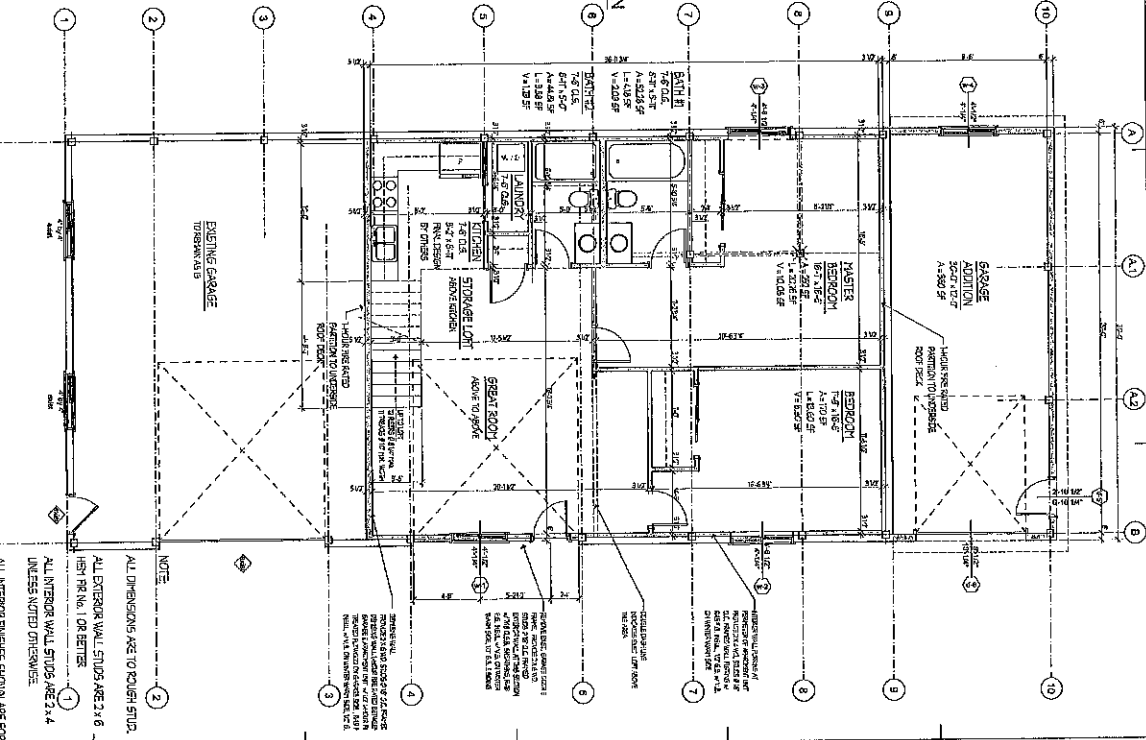
B SHED ADDITION SECTION
SCALE: 1/8" = 1'-0"



A TYP. LOFT SECTION
SCALE: 1/8" = 1'-0"



5 FRAME PLAN / FOUNDATION PLAN
SCALE: 1/8" = 1'-0"



1 GROUND FLOOR PLAN - RENOVATED
SCALE: 1/8" = 1'-0"

NOTE:
 1 ALL DIMENSIONS ARE TO ROUGH STUD.
 2 ALL EXTERIOR WALL STUDS ARE 2' x 6"
 3 HIGH FR. IN. OR BETTER.
 4 ALL INTERIOR WALL STUDS ARE 2' x 4"
 5 UNLESS NOTED OTHERWISE.
 6 ALL INTERIOR FINISHES SHOWN ARE FOR
 SMOOTH ONLY - (SEE IN OVERSIGHT
 CEMENT, ETC.)


 JONATHAN E. BENNETT
 ARCHITECTURE, P.C.
 180 West Street
 14th Floor
 New York, NY 10038
 Tel: (212) 512-1234
 Fax: (212) 512-1235
 www.jebennett.com

ADDITION FOR
 GREG SHEPARD II
 67th OLEAN ROAD SOUTH
 WALES NEW YORK

CONTRACT NO. 2023-001
 PROJECT NO. 2023-001
 DATE: SEPT. 10, 2023
 DRAWN BY: JEB
 CHECKED BY: JEB
 APPROVED BY: JEB
 DATE: 9/20/23