



TOWN OF AURORA
Zoning Board of Appeals

575 Oakwood Avenue, East Aurora, NY 14052

To: Aurora Planning Board

From: Paul Ernst, Chairman – Aurora Zoning Board

Date: April 19, 2024

Re: Case No. 1466 referral

At their April 18, 2024 meeting, the Zoning Board of Appeals voted to forward ZBA Case no. 1466 (lot frontage and right-of-way width variances requested to split a parcel that will form an Open Development Area lot) to the Planning Board for review and recommendation(s).

In 1997, Mr. Lewis split a parcel of land now known as 1465 Boies Road from the mother parcel of 1449 Boies Road with the intention of splitting another parcel at some point in the future that would result in an ODA. At that time the frontage requirement for an ODA lot was 50 feet – Mr. Lewis left 52 feet of frontage. Since that time the Town Code was updated and the frontage requirement for an ODA lot is now 75 feet.

The Zoning Board of Appeals would like to obtain the Planning Board's thoughts and recommendation(s) on the proposed split and resulting ODA lot.

Please place this on the May 1, 2024 Planning Board agenda.



CASE NO. 1466

DATE OF HEARING 4/18/24

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 BERNARD W. LEWIS
Address 1449 BOIES ROAD
City EAST AURORA State N.Y. ZIP 14052
Phone 716 652 8893 Fax _____ Email _____
Interest in the property (ex: owner/purchaser/developer) _____

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 Vacant Land on Boies Rd
SBL# part of 187.00 - 4-42.11
Property size in acres 7.8 ± ac Property Frontage in feet 52
Zoning District RR/A Surrounding Zoning RR/A
Current Use of Property Vacant Land

IV. REQUEST DETAIL

(check all that apply)
 Variance from Ordinance Section(s) # 99-31 A(2), 99-31 A(3)
 Special Use Permit for: _____
 Use Variance for: _____
 Interpretation of _____

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)

When we sell the land, the contract will state that the buyer has to build at least 880 feet west of Boies Road.

see attached

Mr. Lewis stated that when he split his parcel to create 1465 Boies Rd with the intent to have a future ODT lot the Building Inspector and Town Supervisor indicated 60' was all that would be needed for access. 1465 Boies Lot was created in 1997. Mr Lewis now wants to sell off the ODT lot.

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)

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)

Bernard W Lewis

Signature of Applicant/Petitioner

Bernard W. Lewis

Print name of Applicant/Petitioner

State of New York; County of Erie

On the 19th day of March in the year 2024 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.

Karin L. Dojnik
Notary Public

KARIN L. DOJNIK
Notary Public, State of New York
Reg. # 01DO6445148
Qualified in Erie County
Commission Expires December 12, 2026

(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 _____

SUPERVISOR
Charles D. Snyder
(716) 652-7590
csnyder@townofaurora.com



TOWN CLERK
Martha L. Librock
(716) 652-3280
townclerk@townofaurora.com

TOWN OF AURORA

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www.townofaurora.com

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Anthony DiFilippo IV

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

FAX: (716) 652-3507

Bernard Lewis
1449 Boies Rd
East Aurora, NY 14052

March 20, 2024

Mr. Lewis:

The Building Department has reviewed your request to split a portion of your property at 1449 Boies Rd into an Open Development Area (ODA) lot. The request has been denied because it fails to meet the code requirements for ODA lots in the Town.

Section 99-31A(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 right-of-way retained by the property owner.

Requested: Existing flagpole of 52'

Variance: 23'

Section 99-31A(3)

Required: All access roadways will be located on a private right-of-way at least 75' wide.

Requested: Existing right-of-way 52' wide

Variance: 23'

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,


Elizabeth Cassidy
Code Enforcement Officer

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

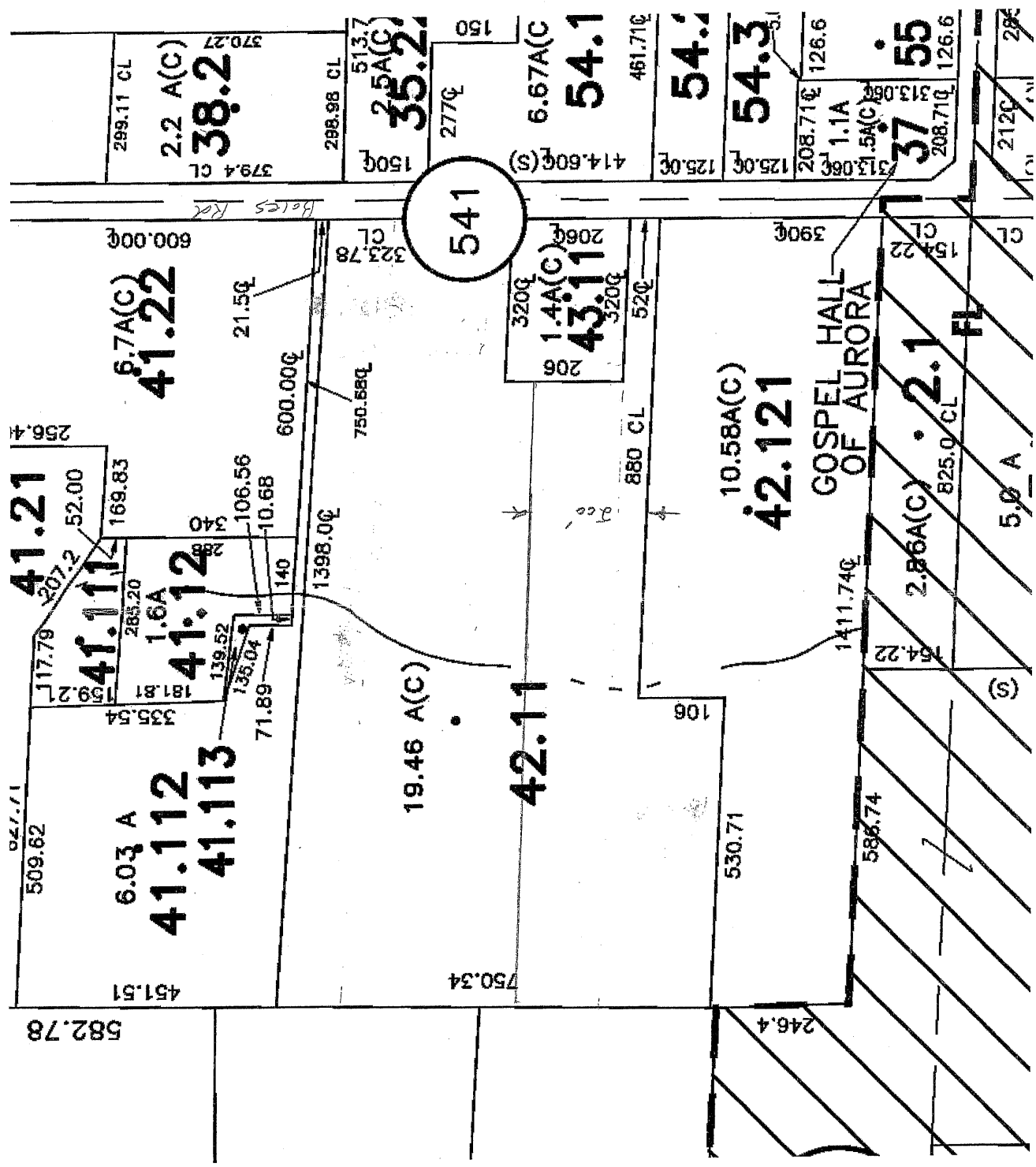
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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: <p style="text-align: center; font-size: 1.2em;">O D A</p>			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action: <p style="text-align: center; font-size: 1.2em;">Flag Lot</p>			
Name of Applicant or Sponsor: <p style="text-align: center; font-size: 1.2em;">BERNARD W. LEWIS</p>		Telephone: 716-652-8893	
Address: <p style="text-align: center; font-size: 1.2em;">1449 BOIES ROAD</p>		E-Mail:	
City/PO: <p style="text-align: center; font-size: 1.2em;">EAST AURORA</p>		State: <p style="text-align: center; font-size: 1.2em;">NY</p>	Zip Code: <p style="text-align: center; font-size: 1.2em;">14052</p>
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
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	YES
3. a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<p style="text-align: right; margin-right: 20px;">approx <u>7</u> acres</p> <p style="text-align: right; margin-right: 20px;">_____ acres</p> <p style="text-align: right; margin-right: 20px;"><u>19.46</u> acres</p>	
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 checked="" 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? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	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"/>	
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 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 type="checkbox"/> Forest <input 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? 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: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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>BERNARD W. LEWIS</u> Date: <u>3-19-2024</u> Signature: <u>Bernard W. Lewis</u> Title: _____		



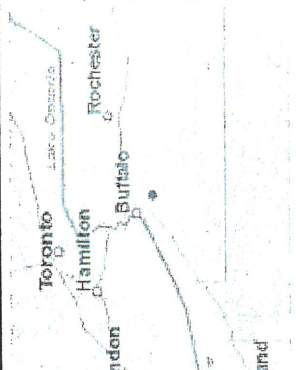
541

GOSPEL HALL OF AURORA

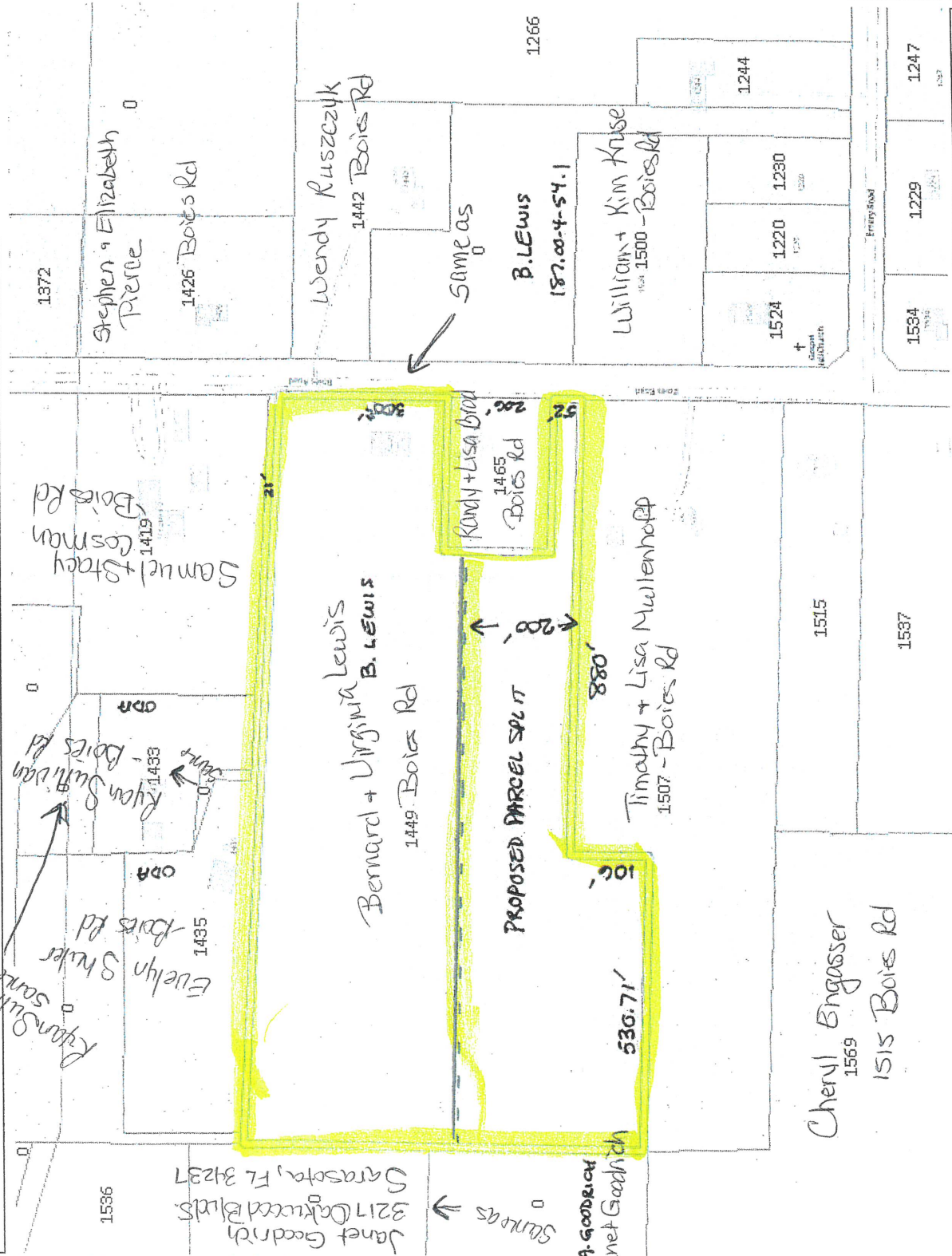
2.1 FL

582.78, 509.62, 117.79, 207.2, 52.00, 169.83, 288.88, 265.20, 1.6A, 139.52, 181.81, 159.21, 335.34, 71.89, 135.04, 140, 106.56, 10.68, 21.50, 600.00, 1398.00, 750.580, 323.78, 3200, 1.4A(C), 43.11, 3200, 880 CL, 520, 530.71, 106, 588.74, 1411.74, 584.22, 2.86A(C), 825.0 CL, 5.0 A, 10.58A(C), 42.121, GOSPEL HALL OF AURORA, 2.1 FL, 208.71, 126.6, 1.1A, 1.5A(C), 37, 55, 208.71, 126.6, 2120, 280, 299.11 CL, 2.2 A(C), 38.2, 370.27, 298.98 CL, 513.7, 2.5A(C), 35.2, 2770, 150, 6.67A(C), 54.1, 414.600(S), 461.71, 125.00, 54.4, 125.00, 54.3, 208.71, 126.6, 313.06, 1.1A, 1.5A(C), 37, 55, 313.06, 208.71, 126.6, 2120, 280.

Erie County On-Line Mapping Application



Legend
 Parcels



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

1: 4,514