

original



CASE NO. 1471

DATE OF HEARING 6/20/2024

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 Bill & Mary Beth Putney
Address 173 Stoneridge Ct
City East Aurora State NY ZIP 14052
Phone [redacted] Fax [redacted] Email Bill [redacted]
Interest in [redacted] (owner/purchaser/developer) Owner

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 81 Heiler Drive
SBL# 165.10-1-3.2
Property size in acres 2.1875 Property Frontage in feet 351.92
Zoning District R1 Surrounding Zoning 1
Current Use of Property Vacant

IV. REQUEST DETAIL

(check all that apply)
 Variance from Ordinance Section(s) # 99-31 A(1); 99-31 A(2); 99-31 A(3); 99-31 A(5)
 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)

Willis L. Putney

Signature of Applicant/Petitioner

Willis L. Putney

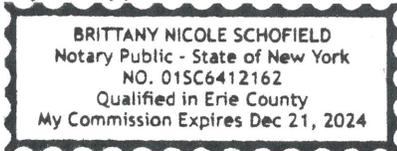
Print name of Applicant/Petitioner

State of New York; County of Erie

On the 22 day of April 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.

Brittany Nicole Schofield
Notary Public

(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.

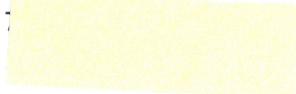
Previous appeals:

Date: 4/20/2023 Type of Appeal: Variance for ODA - LOT SIZE, FRONTAGE, INGRESS WIDTH, EY SETBACK Granted Denied
Date: _____ Type of Appeal: _____ Granted _____ Denied _____

My parents originally owned a house and 15 acres at the end of Heiler Drive. Later in their lives, they broke off 2 lots for my sister Donna and myself to each build houses one day. Donna and myself still own these properties. In 2015 Donna built her home. Now after spending my entire life living in East Aurora, my wife Mary Beth and I are ready to start building our new home. We are applying for the lot size and set back variances that were not originally, but are now required to build there.

What is identified as the frontage to our lot would literally face the side of my sister's house. It would be completely illogical to place a new home on our lot in accordance with the required parameters. The actual flow of the homes and property on Heiler Drive would suggest that the home faces 90 degrees to the North, the same direction as my sister's home next door and all of the other houses on the South side of Heiler Drive. We are applying for a variance on the original 75 feet and current 200 feet set back with hopes of placing our home at 5 feet from the frontage line. This is much more logical for the flow, slope, access and existing trees. A 200-foot setback would put our home at the very back of the lot, and at the bottom of and lowest point of the slope.

Bill & Mary Beth Putney



Private Road
No Town Plows
No Garbage Trucks
No Mail Trucks

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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Joseph M. McCann
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Raymond M. Wrazen
rwrazen@townofaurora.com

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(716) 652-4050
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ASSESSOR
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(716) 652-0011

DIR. OF RECREATION
Christopher Musshafen
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HISTORIAN
Robert L. Goller
(716) 652-7944
historian@townofaurora.com

FAX: (716) 652-3507

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

Willis & Mary Beth Putney
173 Stoneridge Ct
East Aurora, NY 14052

May 9, 2024

Bill and Mary Beth:

The Building Department has reviewed your request to construct a residence on your pen Development Area (ODA) lot at 81 Heiler Rd (SBL: 165.10-1-3.2). The request has been denied because it fails to meet the code requirements for ODA lots in the Town.

Section 99-31A(1)

Required: Minimum lot size of 3 acres exclusive of "flagpole" portion of the property
Requested: Existing lot size of 2.188 Ac
Variance: .812 Ac

Section 99-31A(2)

Required: The flagpole portion of the lot must have a minimum of 75' frontage on an existing ROW and maintain 75'
Requested: Existing flagpole of 25'
Variance: 50'

Section 99-31A(3)

Required: All access roadways will be located on a private ROW of at least 75' wide
Requested: Existing ROW of 25'
Variance: 50'

Section 99-31A(5)

Required: Front yard setback of 200'
Requested: 5' front yard setback
Variance: 195'

Section 99-31A(6)

Required: Side yard setback of 50'
Requested: 30' side yard setback
Variance: 20'

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

**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 l - mn
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 June 20, 2024 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: 81 Heiler Drive

5a. S.B.L. of Property: 165.10-1-3.2

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 front yard and side yard setbacks; lot size; frontage width; private right of way width are all less than required by Town Code
(specify the action, such as the scope of variances or site plans)

8. Other remarks: This is an Open Development Area lot (flag lot) with no direct frontage on an existing roadway.

9. Submitted by: Martha L. Librock Email: townclerk@townofaurora.com

10. Return Address: 575 Oakwood Avenue, 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

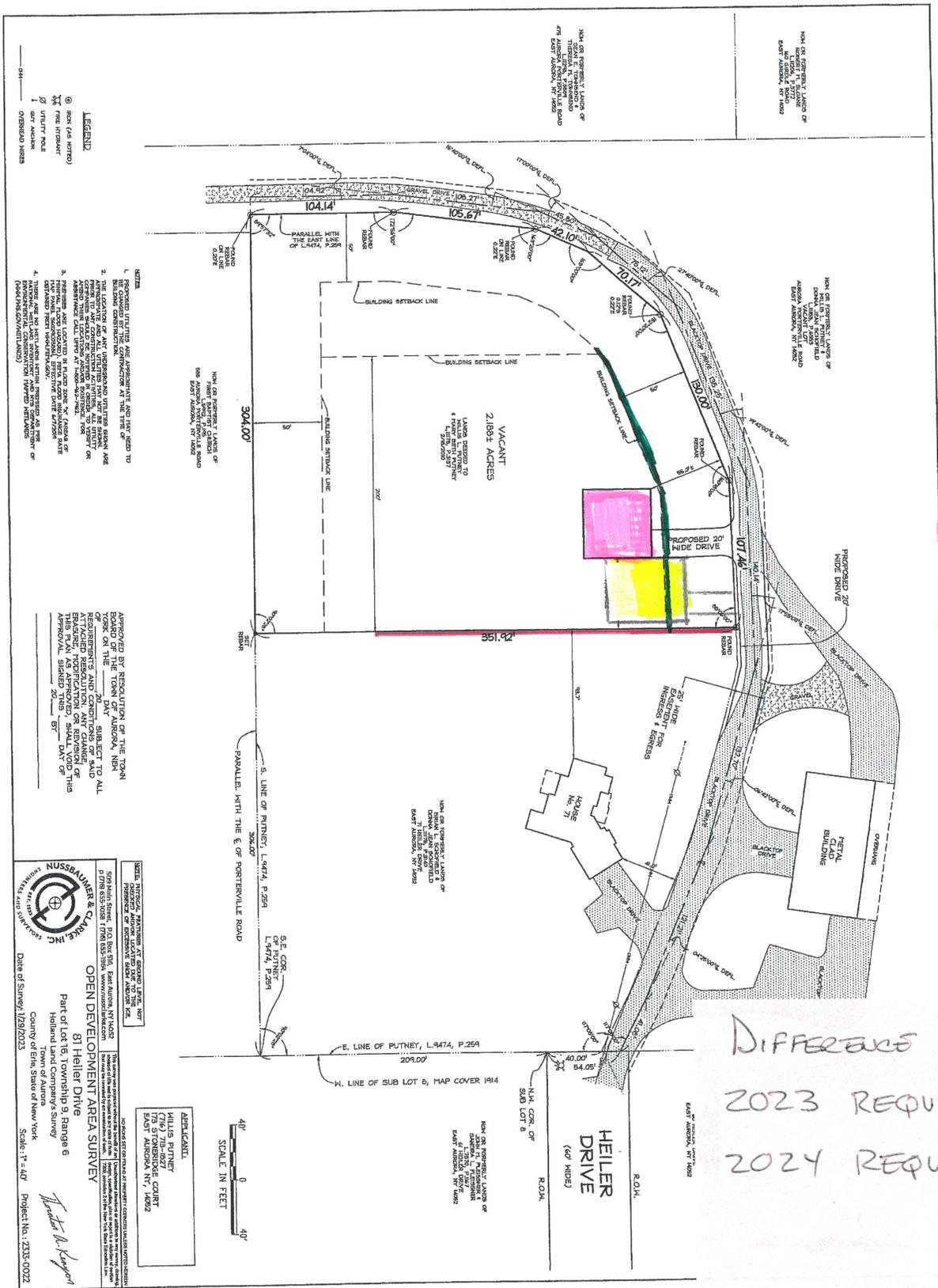
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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>Variances From ODA Code</i>			
Project Location (describe, and attach a location map): <i>81 Heiler Dr.</i>			
Brief Description of Proposed Action: <i>Please See Attached</i>			
Name of Applicant or Sponsor: <i>Bill & Mary Beth Putney</i>		Telephone:	
		E-Mail: <i>.com</i>	
Address: <i>173 Stoneridge Ct.</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 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: <i>Building Permit ToA, Erie County Health Dept Septic, Water Tap</i>			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		<i>2.1875</i> acres	
b. Total acreage to be physically disturbed?		<i>21</i> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<i>13.302</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 checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other(Specify): <i>Church</i>			
<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 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?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: <u>Septic System</u> _____	<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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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?	<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?	NO	YES	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	<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 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,	NO	YES
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)? If Yes, briefly describe:	<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>Bill & Mary Beth Putney</u> Date: <u>4/22/24</u>		
Signature: <u>Bill Putney</u> Title: <u>Owner</u>		



2023 PROPOSAL (APPROVED)
 50 FT FROM FRONT YARD LINE

2024 PROPOSAL
 5 FEET FROM FRONT YARD LINE

FRONT YARD LINE

50' SIDE YARD SETBACK LINE

DIFFERENCE FROM
 2023 REQUEST TO
 2024 REQUEST

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

TOWN COUNCIL MEMBERS

March 16, 2023 Revised

Charles D. Snyder
csnyder@townofaurora.com

Willis & Mary Beth Putney
173 Stoneridge Ct
East Aurora, NY 14052

Luke Wochensky
lwochensky@townofaurora.com

Bill and Mary Beth:

James F. Granville
jgranville@townofaurora.com

The Building Department has re-reviewed your request to construct a residence at your Open Development Area (ODA) lot at 81 Heiler Dr (SBL 165.10-1-3.2). The request has been denied because it fails to meet the requirements for ODA lots in the Town.

Joseph M. McCann
jmccann@townofaurora.com

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

Section 99-31A(1)
Required: Minimum lot size of 3 acres exclusive of "flagpole" portion of property
Requested: Existing lot size of 2.188 Ac
Variance: .812 Ac

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

Section 99-31A(2)
Required: The flagpole portion of the lot must have a minimum of 75' frontage on an existing ROW and maintain 75'
Requested: Existing flagpole of 25'
Variance: 50'

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

Section 99-31A(3)
Required: All access roadways will be located on a private ROW of at least 75' wide
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DIR. OF RECREATION
Christopher Musshafen
(716) 652-8866
chris@townofaurora.com

Section 99-31A(5)
Required: Front Yard Setback of 200'
Requested: 50' front yard setback
Variance: 150'

TOWN ATTORNEY
Brigid M. Maloney

TOWN JUSTICE
Jeffrey P. Markello
Anthony DiFilippo IV

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

FAX: (716) 652-3507

Sincerely,

Elizabeth Cassidy
Code Enforcement Officer

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csnyder@townofaurora.com



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Sincerely,


Elizabeth Cassidy
Code Enforcement Officer

MINUTES OF A HEARING AS HELD BY THE
ZONING BOARD OF APPEALS OF THE
TOWN OF AURORA

April 20, 2023

CASE #1434-Willis & Mary Beth Putney
81 Heiler Drive, East Aurora, NY

The hearing was called to order by the Chairman Paul Ernst with the following Board members present:

Nancy Burkhardt
Rod Simeone
Ray Wrazen, Alternate

Excused: Davis Heussler
 Mandy Carl

The notice of the Public Hearing was read by the Deputy Town Clerk. The notice was duly published in the East Aurora Advertiser as evidenced by the Affidavit of Publication, marked as exhibit 1. The Affidavit of Posting was marked as exhibit 2. The ZBA Application was marked as exhibit 3. The Building Department Letter of Determination was marked as exhibit 4. The Petitioners Letter of Intent was marked as exhibit 5. The ECDP Form and Response was marked as exhibit 6. The Short Environmental Assessment form was marked as exhibit 7. The Copy of the Deed was marked as exhibit 8. The Planning Board minutes from 2/14/2014 were marked as exhibit 9. The Town Board Minutes from 5/12/2014 were marked as exhibit 10. The List of Abutting Property Owners was marked as exhibit 11. A Letter of No Objection B & D Schofield was marked as exhibit 12.

The Chairman opened the hearing with the Pledge of Allegiance to the Flag and stated the purpose and procedure of the hearing. Following the hearing a meeting would be held to render decision for a lot size variance, a lot frontage width variance, a right of way (ingress/egress) width variance and a front yard setback variance for a single-family residence on an ODA lot at 81 Heiler Drive, East Aurora, NY.

The recorder malfunctioned and did not record anything.

Willis and Mary Beth Putney did appear before the Zoning Board to state the reasons for their requested variances. This property is a twin piece of property to Mr. Putney's sister's property next door. Property is at the end of Heiler, it is large and spacious on the backside. The house would be like sister's somewhere between 2,500sf-3,000sf and will be one story. There will be gas, electricity and water and the septic system will be behind the house. The property is mostly wooded, and a lot of trees will be cleared but the mature ones will remain.

ZBA #1434
4/20/2023

MINUTES OF A MEETING AS HELD BY THE
ZONING BOARD OF APPEALS OF THE
TOWN OF AURORA

April 20, 2023

CASE #1434-Willis & Mary Beth Putney
81 Heiler Drive, East Aurora, NY

Decision:

After due deliberation by the members of the Zoning Board of Appeals of the Town of Aurora, County of Erie and State of New York, the following motion was made by Rod Simeone and seconded by Nancy Burkhardt to grant a .812 acre lot size variance, a 50 foot lot frontage width variance, a 50 foot right of way (ingress/egress) width variance and a 150 foot front yard setback variance to construct a single-family residence on an ODA lot at 81 Heiler Drive, East Aurora, NY. This is granted in accordance with the testimony and exhibits presented.

Upon a vote being taken:

Ernst	Aye			
Simeone	Aye			
Burkhardt	Aye			
Wrazen	Aye	Ayes-four	Noes-None	Motion carried.

EXHIBITS

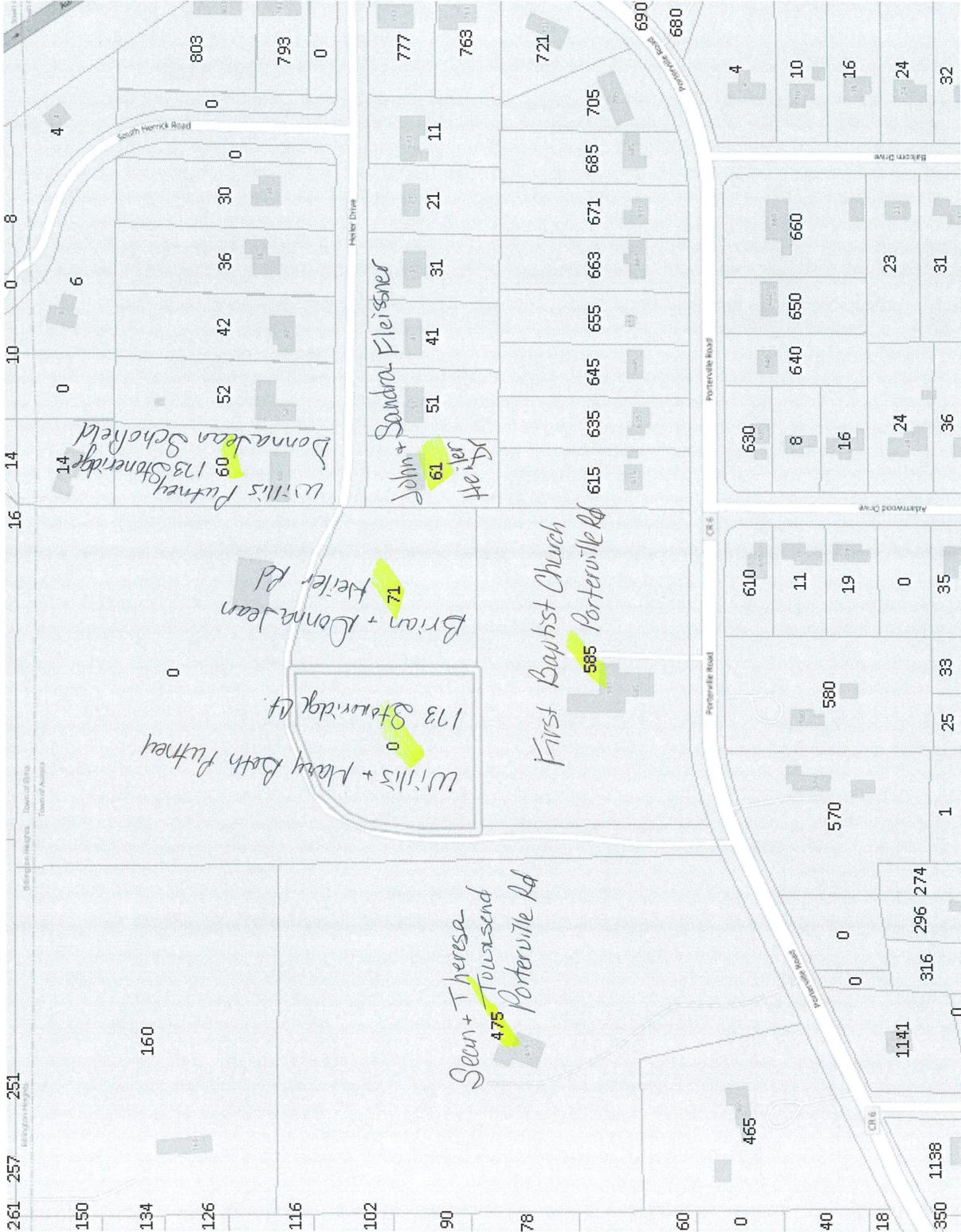
April 20, 2023

CASE #1434-Willis & Mary Beth Putney
81 Heiler Drive, East Aurora, NY

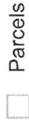
- | | |
|------------|---|
| Exhibit 1 | Affidavit of Publication |
| Exhibit 2 | Affidavit of Posting |
| Exhibit 3 | ZBA Application |
| Exhibit 4 | Building Department Letter of Determination |
| Exhibit 5 | Petitioners Letter of Intent |
| Exhibit 6 | ECDP Form |
| Exhibit 7 | Short Environmental Assessment Form |
| Exhibit 8 | Copy of the Deed |
| Exhibit 9 | Planning Board Minutes from 05/7/2014 |
| Exhibit 10 | Town Board Minutes from 05/12/2014 |
| Exhibit 11 | List of Abutting Property Owners |
| Exhibit 12 | Letter of No Objection from B&D Schofield |



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

