

OK as to form only

TOWN OF AURORA  
Zoning Board of Appeals Request

**PAID**  
\$75.00

Building Application # \_\_\_\_\_  
Building Permit # \_\_\_\_\_

Zoning Appeal Case No. 1238  
Date 5.21.15

TO THE ZONING BOARD OF APPEALS, TOWN OF AURORA, NEW YORK

I, (we) Elizabeth Ragan of 1247 Jewett Holmwood Rd, Orchard Park, NY 14127 (Town of Aurora)  
HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FROM THE DECISION OF THE BUILDING  
INSPECTOR on APPLICATION NO. \_\_\_\_\_ WHEREBY THE BUILDING INSPECTOR DID DENY

TO Elizabeth Ragan  
Name of Applicant

OF 1247 Jewett Holmwood Rd Town of Aurora NY  
(Street & Number) (Municipality) (State)

- A PERMIT FOR USE
- A VARIANCE FROM ZONING ORDINANCE
- A TEMPORARY PERMIT OR EXTENSION THEREOF
- A CERTIFICATE OF EXISTING USE
- A PERMIT FOR OCCUPANCY

1. LOCATION OF THE PROPERTY 1247 Jewett Holmwood Rd, Orchard Park, NY 14127  
SBL # 174.13-2-12.1 ZONING DISTRICT R1

2. PROVISION(S) OF THE ZONING ORDINANCE APPEALED. (Indicate the Article, section, sub-section, and paragraph of the Zoning Ordinance being appealed, by number. Do not quote the Ordinance)

116-18A(1); 116-4 (Definitions)

3. TYPE OF APPEAL. Appeal is made herewith for:

- An interpretation
- A variance - to the Zoning Ordinance
- An exception
- A temporary permit

4. A PREVIOUS APPEAL  has  has not been made with respect to this decision of the Building Inspector or with respect to this property

NAMES AND ADDRESSES OF OWNERS OF ABUTTING PROPERTIES ARE:

See attached list marked as an exhibit.

STATE OF NEW YORK  
COUNTY OF ERIE  
\_\_\_\_\_ of \_\_\_\_\_

Elizabeth C. Ragan  
Signature(s)  
1247 Jewett Holmwood Rd, Orchard Park, NY  
Mailing Address 14127

Elizabeth C. Ragan, being duly sworn, deposed and says that he is the petitioner in this action; that he has read the foregoing Request and knows the contents thereof; that the same is true to the knowledge of deponent.

Sworn to before me this 15th  
day of April, 2015

Sheryla A. Miller  
NOTARY PUBLIC

**SHERYLA MILLER**  
Reg. #01M16128663  
Notary Public, State of New York  
Qualified in Erie County  
Commission Expires June 13, 2017

Rec 687357  
Rec'd 4/15/15



Town of Aurora  
300 Gleed Avenue  
East Aurora NY 14052



**Zoning Board of Appeals Petitioner's Letter of Intent**

Applicants Name Elizabeth Ragan  
 Address 1247 Jewett Holmwood Rd, Orchard Park, NY 14127  
 Telephone 585-978-6618  
 Address of appeal same  
 Zoning District R1  
 Zoning Code Section 116-18A(1); 116-4 (Definitions)

Type of Appeal:

- A PERMIT FOR USE
- A VARIANCE FROM ZONING ORDINANCE
- A TEMPORARY PERMIT OR EXTENSION THEREOF
- A CERTIFICATE OF EXISTING USE
- A PERMIT FOR OCCUPANCY

GROUNDS FOR VARIANCE: (may continue on separate sheet)

Our chosen location for the shed is the most inconspicuous placement of it on our lot. The site is not prohibitive to the space, which is cleared and does not require removal of any trees. Although it is considered the front yard because the driveway is off of Jewett Holmwood, it is truly the side yard by the way that house was placed (front door of house faces Woodcrest Dr.). In our chosen location the shed will back to woods on 3 sides, shielding it from Jewett Holmwood neighbors, and will sit down & back from the driveway, better hiding it from Woodcrest Dr. Our lot is too narrow for it to go on the back side of the house. Our septic field occupies the other flat space at the back right corner of the house (behind garage). The pool, the upward grade of the terrain, & the woods prohibit placement further up the right side of the lot (further up Woodcrest from Jewett). The front right side of the house is also sloped terrain. more importantly, if placed in front the shed would be fully visible to Woodcrest residents, entirely ruining the aesthetic of the neighborhood drive.

ACKNOWLEDGMENT:

Pursuant to Section 809 of the New York State General Municipal Law, the appellant shall state in his written appeal that to the best of his knowledge, no state officer or officer or employee of the Town of Aurora, has any interest in the appellant as defined in Section 809 of the General Municipal Law. If this statement cannot be made, the nature of any such interest must be disclosed as required by said State Law

Petitioners Signature Elizabeth C. Ragan Date 4-13-15  
 Owners Signature Elizabeth C. Ragan Date 4-13-15

SUPERVISOR  
JOLENE M. JEFFE  
(716) 652-7590  
[jjeffe@townofaurora.com](mailto:jjeffe@townofaurora.com)



TOWN CLERK  
**MARTHA L. LIBROCK**  
(716) 652-3280  
[townclerk@townofaurora.com](mailto:townclerk@townofaurora.com)

## TOWN OF AURORA

5 South Grove Street, East Aurora, NY 14052  
[www.townofaurora.com](http://www.townofaurora.com)

Elizabeth Ragan  
1247 Jewett Holmwood Rd.  
Orchard Park, N.Y. 14127

4/17/2015

Re: variance for accessory building

Elizabeth,

The Building Dept has reviewed your application for an accessory building at 1247 Jewett Holmwood Rd. We have denied your application because it fails to meet the requirements as stipulated by the Town of Aurora Code 116-18A(1) & 116-4 (Definitions).

Required: no buildings in front of the Main Building  
Requested: building in the front yard  
Variance: accessory building in the front yard.

If you wish to pursue this matter further you must apply to the Town of Aurora Zoning Board of Appeals for an Area Variance. You must include your application, application fee, a letter to the ZBA members explaining your difficulty, and any information to support your need for a variance from the Town Code. If you have any questions contact us at 652-7591.

William R. Kramer  
  
Code Enforcement Officer

**SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, NY  
AND REPLY TO MUNICIPALITY**

Note: Please complete in triplicate. Send original and one copy (with attachments) to Erie County Division of Planning, Room 1053, 95 Franklin Street, Buffalo, N.Y. 14202. Retain last copy for your files.

DO NOT WRITE IN THIS SPACE

Case No.: \_\_\_\_\_

Received: \_\_\_\_\_

The proposed action described herein is referred in accordance with the provisions of the General Municipal Law, which provides that if no reply is received in 30 days after receipt of full information including a SEQR EAF if applicable, the municipal agency may take final action without considering such reply. If, however, reply is received at any time prior to municipal Action, such reply must be considered.

**Description of Proposed Action**

**1. Name of Municipality:** Town of Aurora

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**2. Hearing Schedule:**     **Date** 5/21/2015     **Time** 7:00pm     **Location** 300 Glead Ave., E. Aurora, NY

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**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      Specific as follows     1247 Jewett Holmwood Rd., PO Orchard Park, Town of Aurora, NY

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**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

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**7. Proposed change or use: (be specific)**     Accessory building in front yard

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**8. Other remarks: (ID#, SBL#, etc.)**     SBL#174.13-2-12.1

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**9. Submitted by:**     Martha Librock, Town Clerk     5/11/15

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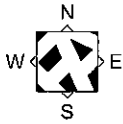
300 Glead Avenue, East Aurora, NY 14052

**Reply to Municipality by Erie County Division of Planning**

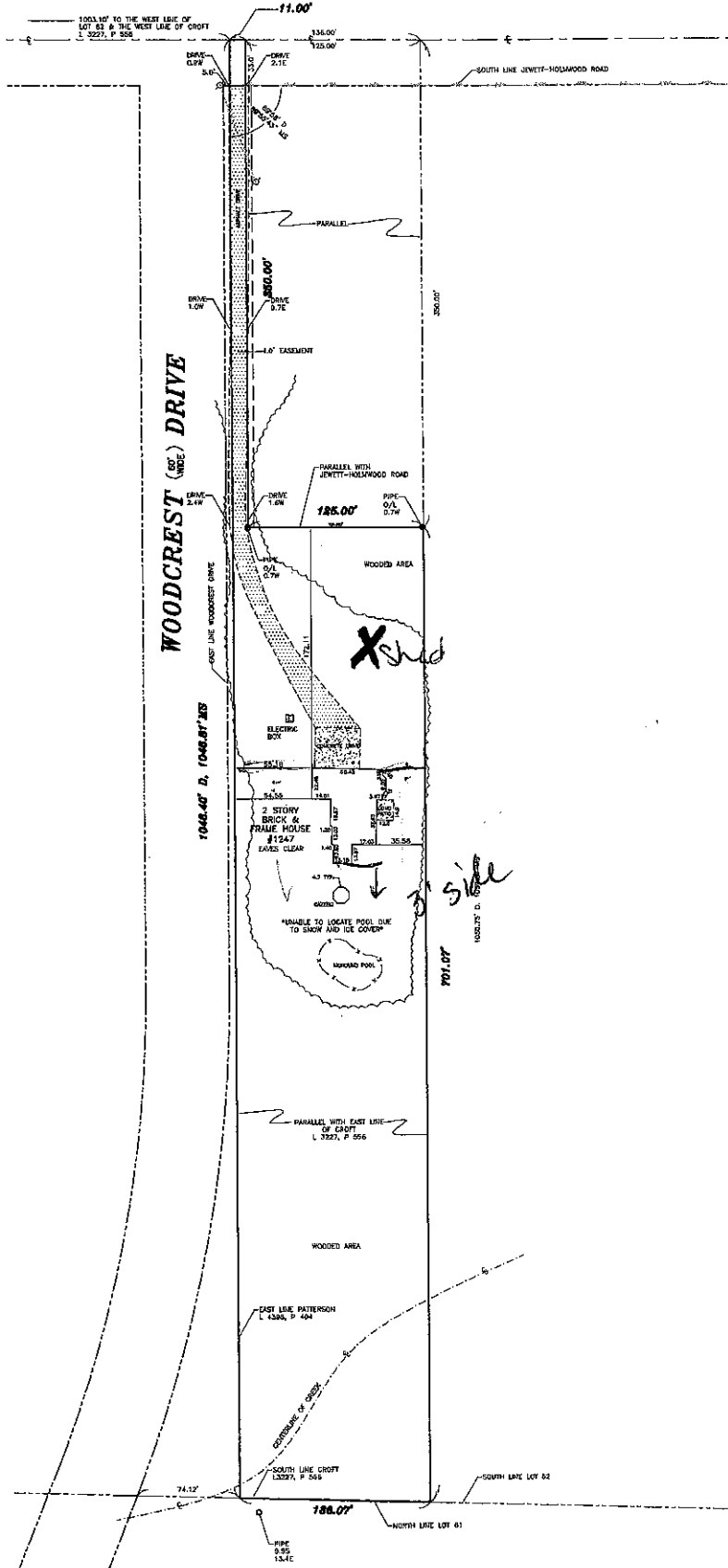
**Receipt of the above-described proposed action is acknowledged on \_\_\_\_\_.** The Division herewith submits its review and reply under the provisions of applicable state and local law, based on the information submitted with this referral.

1.  The proposed action is not subject to review under the law.
2.  Form ZR-3, Comment on Proposed Action is attached hereto.
3.  The proposed action is subject to review; the Division makes the recommendation shown on Form ZR-4, Recommendation on Proposed Action, which is attached hereto.
4.  No recommendation; proposed action has been reviewed and determined to be of local concern

**By the Division of Planning:** \_\_\_\_\_ **Date:** \_\_\_\_\_



# JEWETT-HOLMWOOD (66' WIDE) ROAD



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AT THE TIME OF SURVEY THERE WAS 12" +/- OF SNOW AND ICE ON THE GROUND. SOME APPROXIMATIONS MAY NOT HAVE BEEN NOTICED.

LEGION: TOWN OF ALBION	SCALE: 1"=40'
COUNTY OF ERIE, STATE OF NEW YORK	DRAWN BY: E. STOKICH
PART OF LOT 62, TOWNSHIP 9, RANGE 8 OF THE HOLLAND LAND COMPANY'S SURVEY	CHECKED BY: M. POHL
MAP COVER:	SURVEY:
SUBJECT(S):	
REVISIONS:	

DATE: 03/17/2018 JOB No.: 18-57295 MS GDM, MDR, ST



**FoitAlbert ASSOCIATES**  
 Architecture, Engineering, Surveying  
 1718.868.2223 F 716.835.3851 W foit.albert.com

763 Main Street  
 Buffalo, New York 14203

I, the undersigned, do hereby certify that I am a duly licensed Professional Engineer in the State of New York, and that I am the author of the above-mentioned plan or report, or a member of a duly organized and legally constituted firm or corporation, and that I am duly qualified to perform the duties of a Professional Engineer in the State of New York.

**PAID**  
\$75.00

OK as to form only

**TOWN OF AURORA**  
**Zoning Board of Appeals Request**

Building Application # \_\_\_\_\_  
Building Permit # \_\_\_\_\_

Zoning Appeal Case No. 1239  
Date 5-21-15

TO THE ZONING BOARD OF APPEALS, TOWN OF AURORA, NEW YORK

I, (we) CARL J. DISCHNER of 1407 CENTER ST. EAST AURORA, N.Y. 14052  
HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FROM THE DECISION OF THE BUILDING  
INSPECTOR on APPLICATION NO. \_\_\_\_\_ WHEREBY THE BUILDING INSPECTOR DID DENY

TO CARL J. DISCHNER  
Name of Applicant

OF 1407 CENTER ST. EAST AURORA N.Y.  
(Street & Number) (Municipality) (State)

- A PERMIT FOR USE
- A VARIANCE FROM ZONING ORDINANCE
- A TEMPORARY PERMIT OR EXTENSION THEREOF
- A CERTIFICATE OF EXISTING USE
- A PERMIT FOR OCCUPANCY

1. LOCATION OF THE PROPERTY 1407 CENTER ST.  
SBL # 187.00-4-21.12 ZONING DISTRICT A

2. PROVISION(S) OF THE ZONING ORDINANCE APPEALED. (Indicate the Article, section, sub-section, and paragraph of the Zoning Ordinance being appealed, by number. Do not quote the Ordinance)

Table A District Regulations

3. TYPE OF APPEAL. Appeal is made herewith for:

- An interpretation
- A variance - to the Zoning Ordinance
- An exception
- A temporary permit

4. A PREVIOUS APPEAL  has  has not been made with respect to this decision of the Building Inspector or with respect to this property

NAMES AND ADDRESSES OF OWNERS OF ABUTTING PROPERTIES ARE:

See attached list marked as an exhibit.

STATE OF NEW YORK  
COUNTY OF ERIE  
\_\_\_\_\_ of \_\_\_\_\_

Carl J. Dischner  
Signature(s)  
1407 Center St. East Aurora, N.Y. 14052  
Mailing Address

Carl J. Dischner, being duly sworn, deposed and says that he is the petitioner in this action; that he has read the foregoing Request and knows the contents thereof; that the same is true to the knowledge of deponent.

Sworn to before me this 28th  
day of April, 2015

Colleen D. Bellere - Hopkins  
NOTARY PUBLIC

**COLLEEN D. BELLERE**  
NOTARY PUBLIC, STATE OF NEW YORK  
No. 01BE6107573  
QUALIFIED IN ERIE COUNTY  
MY COMMISSION EXPIRES APRIL 5, 2016

Receipt # 687373  
4-28-15



**Town of Aurora**  
 300 Glead Avenue  
 East Aurora NY 14052



Zoning Board of Appeals Petitioner's Letter of Intent

Applicants Name CARL J. DISCHNER  
 Address 1407 CENTER ST. EAST AURORA, N.Y. 14052  
 Telephone 716-655-0620

Address of appeal 1407 CENTER ST. EAST AURORA, N.Y. 14052  
 Zoning District A  
 Zoning Code Section Table of District Regulations

Type of Appeal:

- A PERMIT FOR USE
- A VARIANCE FROM ZONING ORDINANCE
- A TEMPORARY PERMIT OR EXTENSION THEREOF
- A CERTIFICATE OF EXISTING USE
- A PERMIT FOR OCCUPANCY

GROUNDS FOR VARIANCE: (may continue on separate sheet)

I AM REQUESTING A VARIANCE ON A BARN WITH A  
SECOND FLOOR THAT I AM BUILDING ON MY PROPERTY  
LOCATED AT 1407 CENTER ST.  
I PLAN TO USE THE BARN TO STORE MY TRACTOR AND  
VARIOUS TOOLS AND SUPPLIES WHICH I USE TO MAINTAIN  
MY HOME AND PROPERTY.

ACKNOWLEDGMENT:

Pursuant to Section 809 of the New York State General Municipal Law, the appellant shall state in his written appeal that to the best of his knowledge, no state officer or officer or employee of the Town of Aurora, has any interest in the appellant as defined in Section 809 of the General Municipal Law. If this statement cannot be made, the nature of any such interest must be disclosed as required by said State Law

Petitioners Signature Carl J. Dischner Date 4/27/2015  
 Owners Signature Carl J. Dischner Date 4/27/2015

SUPERVISOR  
James J. Bach  
(716) 652-7590  
[jbach@townofaurora.com](mailto:jbach@townofaurora.com)



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

**TOWN OF AURORA**  
**Southside Municipal Center**  
300 Glead Avenue, East Aurora, NY 14052  
[www.townofaurora.com](http://www.townofaurora.com)

TOWN COUNCIL MEMBERS

Susan A. Friess  
[sfriess@townofaurora.com](mailto:sfriess@townofaurora.com)

Jeffrey T. Harris  
[jharris@townofaurora.com](mailto:jharris@townofaurora.com)

Jolene M. Jeffe  
[jjeffe@townofaurora.com](mailto:jjeffe@townofaurora.com)

Charles D. Snyder  
[csnyder@townofaurora.com](mailto:csnyder@townofaurora.com)

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[building@townofaurora.com](mailto:building@townofaurora.com)

ASSESSOR  
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[assessor@townofaurora.com](mailto:assessor@townofaurora.com)  
(716) 652-0011

DIR. OF RECREATION  
Peggy M. Cooke  
(716) 652-8866  
[peggy@townofaurora.com](mailto:peggy@townofaurora.com)

TOWN ATTORNEY  
Ronald P. Bennett

TOWN JUSTICE  
Douglas W. Marky  
Jeffrey P. Markello

HISTORIAN  
Robert L. Goller  
(716) 652-7944  
[historian@townofaurora.com](mailto:historian@townofaurora.com)

FAX: (716) 652-3507  
NYS Relay Number:  
1(800) 662-1220

Carl Dischner  
1407 Center St.  
East Aurora, N.Y. 14052


Re: variance for accessory building at 1407 Center St.

Carl,

The Building Dept has reviewed your application to build an accessory building at 1407 Center St. We have denied your application because you fail to meet the requirements as stipulated by the Table of District Regulations.

Table of District Regulations:  
Required: accessory buildings not over 1 story.  
Requested: 2 story accessory building  
Variance required: second story for an accessory building

If you wish to pursue this matter further you must apply to the Town of Aurora Zoning Board of Appeals for an Area Variance. You must include your application, application fee, a letter to the ZBA members explaining your difficulty, and any information to support your need for a variance from the Town Code. If you have any questions contact us at 652-7591.

William R. Kramer  
  
Code Enforcement Officer



## SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, NY AND REPLY TO MUNICIPALITY

Note: Please complete in triplicate. Send original and one copy (with attachments) to Erie County Division of Planning, Room 1053, 95 Franklin Street, Buffalo, N.Y. 14202. Retain last copy for your files.

DO NOT WRITE IN THIS SPACE

Case No.: \_\_\_\_\_  
Received: \_\_\_\_\_

The proposed action described herein is referred in accordance with the provisions of the General Municipal Law, which provides that if no reply is received in 30 days after receipt of full information including a SEQR EAF if applicable, the municipal agency may take final action without considering such reply. If, however, reply is received at any time prior to municipal Action, such reply must be considered.

### Description of Proposed Action

**1. Name of Municipality:** Town of Aurora

**2. Hearing Schedule:** **Date** 5/21/2015 **Time** 7:00pm **Location** 300 Glead 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  Specific as follows 1407 Center Street, E. Aurora, NY

**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: (be specific)** Second story/second floor in accessory building

**8. Other remarks: (ID#, SBL#, etc.)** SBL#187.00-4-21.12

**9. Submitted by:** Martha Librock, Town Clerk 5/11/15

300 Glead Avenue, East Aurora, NY 14052

### Reply to Municipality by Erie County Division of Planning

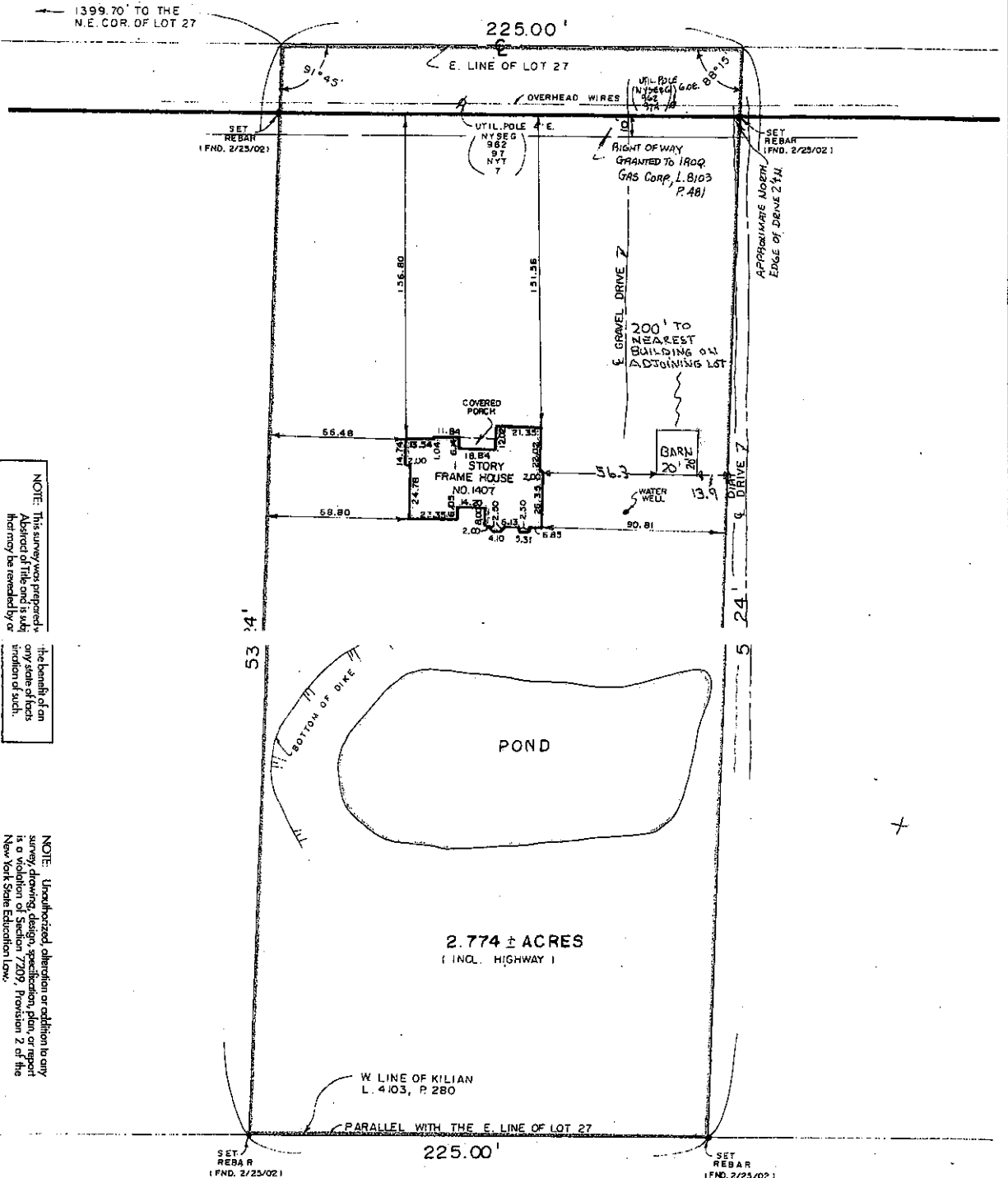
Receipt of the above-described proposed action is acknowledged on \_\_\_\_\_. The Division herewith submits its review and reply under the provisions of applicable state and local law, based on the information submitted with this referral.

1.  The proposed action is not subject to review under the law.
2.  Form ZR-3, Comment on Proposed Action is attached hereto.
3.  The proposed action is subject to review; the Division makes the recommendation shown on Form ZR-4, Recommendation on Proposed Action, which is attached hereto.
4.  No recommendation; proposed action has been reviewed and determined to be of local concern

By the Division of Planning: \_\_\_\_\_ Date: \_\_\_\_\_



# CENTER STREET (66' WIDE) STREET



NOTE: This survey was prepared only as a basis of record and is subject to change without notice.

NOTE: The beneficiary of any survey, design, or construction shall be the client and not the surveyor.

NOTE: Unauthorized alteration or addition to any survey, design, or construction shall be the client's responsibility.

REVISED 8/24/01: INDICATED RIGHT OF WAY FOR GAS LINE  
8/29/01: INDICATED NORTH EDGE OF DIRT DRIVE

PART OF L 27 S T 9 R 6 TOWN OF AURORA COUNTY OF ERIE NEW YORK

RESURVEY		
DATE	JOB	DESCRIPTION
11/6/01	01391	FOUNDATION LOCATION
2/25/02	01391	FINAL SURVEY

**JAMES L. SHISLER, L.S., P.C.**  
 PROFESSIONAL LAND SURVEYOR  
 P.O. BOX 516  
 EAST AURORA, NEW YORK 14052-0516 716-655-1058

DRAWN BY: DMS SCALE: 1" = 50'  
 CHECKED BY: JLS DATE: JUNE 28, 2001

JOB: 01391 SHEET: C-2984

*James L. Shisler*

OK as to form only

TOWN OF AURORA  
Zoning Board of Appeals Request



Building Application # \_\_\_\_\_  
Building Permit # \_\_\_\_\_

Zoning Appeal Case No. 1240  
Date 5.21.15

TO THE ZONING BOARD OF APPEALS, TOWN OF AURORA, NEW YORK

I, (we) Sean Miller of 719 Center St  
HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FROM THE DECISION OF THE BUILDING INSPECTOR on APPLICATION NO. \_\_\_\_\_ WHEREBY THE BUILDING INSPECTOR DID DENY

TO Sean Miller  
Name of Applicant

OF 719 Center St E. Aurora, NY  
(Street & Number) (Municipality) (State)

- A PERMIT FOR USE
- A VARIANCE FROM ZONING ORDINANCE
- A TEMPORARY PERMIT OR EXTENSION THEREOF
- A CERTIFICATE OF EXISTING USE
- A PERMIT FOR OCCUPANCY

1. LOCATION OF THE PROPERTY v/l Center w/ improvements  
SBL # part of 182.02-1-1.111 ZONING DISTRICT A

2. PROVISION(S) OF THE ZONING ORDINANCE APPEALED. (Indicate the Article, section, sub-section, and paragraph of the Zoning Ordinance being appealed, by number. Do not quote the Ordinance)

16-4-Accessory Building in front yard

3. TYPE OF APPEAL Appeal is made herewith for:

- An interpretation
- A variance - to the Zoning Ordinance
- An exception
- A temporary permit

4. A PREVIOUS APPEAL  has  has not been made with respect to this decision of the Building Inspector or with respect to this property

NAMES AND ADDRESSES OF OWNERS OF ABUTTING PROPERTIES ARE:

See attached list marked as an exhibit.

STATE OF NEW YORK  
COUNTY OF ERIE  
of \_\_\_\_\_

Signature(s)

Mailing Address

719 Center St E. Aurora NY 14052

Sean Miller, being duly sworn, deposed and says that he is the petitioner in this action; that he has read the foregoing Request and knows the contents thereof; that the same is true to the knowledge of deponent.

Sworn to before me this 29th  
day of April, 2015

4/30/15  
Deputy DTC  
687382

Sheryla A. Miller  
NOTARY PUBLIC

**SHERYLA MILLER**  
Reg. #01MI6128663  
Notary Public, State of New York  
Qualified in Erie County  
Commission Expires June 13, 2017



Town of Aurora  
 300 Glead Avenue  
 East Aurora NY 14052



Zoning Board of Appeals Petitioner's Letter of Intent

Applicants Name Sean Miller  
 Address 719 Center St E. Aurora NY 14052  
 Telephone 716-983-5950  
 Address of appeal \_\_\_\_\_  
 Zoning District \_\_\_\_\_  
 Zoning Code Section \_\_\_\_\_

Type of Appeal:

- A PERMIT FOR USE
- A VARIANCE FROM ZONING ORDINANCE
- A TEMPORARY PERMIT OR EXTENSION THEREOF
- A CERTIFICATE OF EXISTING USE
- A PERMIT FOR OCCUPANCY

GROUNDS FOR VARIANCE: (may continue on separate sheet)

Letter of Intent typed on separate sheet  
and attached.

\_\_\_\_\_  
 \_\_\_\_\_  
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 \_\_\_\_\_  
 \_\_\_\_\_

ACKNOWLEDGMENT:

Pursuant to Section 809 of the New York State General Municipal Law, the appellant shall state in his written appeal that to the best of his knowledge, no state officer or officer or employee of the Town of Aurora, has any interest in the appellant as defined in Section 809 of the General Municipal Law. If this statement cannot be made, the nature of any such interest must be disclosed as required by said State Law

Petitioners Signature  Date 4-21-15  
 Owners Signature Markas H. Miller Date 4-21-15

Zoning Board of Appeals Petitioner's Letter of Intent

Grounds for Variance:

This letter is to request the grant of variance for the construction of a house between lots 29 and 30 on Center Street. The house would be slightly south and behind an existing barn on the property. Allowing a house to be built in this location would support our wish for natural drainage from the hill, distance from traffic (and traffic speed) of Center Street and to take advantage of the views of existing landscape on the property. The construction of the house would not interfere with any emergency vehicles that may need access to this house or any neighboring buildings. There is a turnaround at the existing barn which may be utilized by any fire trucks, ambulances, etc. This is a relatively minor request for area variance and does not cause detriment for health or safety of neighborhood. It will not cause any undesirable changes to neighboring properties nor will it have an adverse impact on the physical or environmental conditions of the community. Thank you for your consideration.

Petitioner's Signature  Date 4-21-15

Owner's Signature Markab H. Wilke Date 4-21-15

SUPERVISOR  
JOLENE M. JEFFE  
(716) 652-7590  
[jjeffe@townofaurora.com](mailto:jjeffe@townofaurora.com)



TOWN CLERK  
**MARTHA L. LIBROCK**  
(716) 652-3280  
[townclerk@townofaurora.com](mailto:townclerk@townofaurora.com)

**TOWN OF AURORA**  
5 South Grove Street, East Aurora, NY 14052  
[www.townofaurora.com](http://www.townofaurora.com)

Sean Miller  
719 Center St.  
East Aurora, N.Y. 14052

4/29/2015

Re: variance for accessory building on Center St. part of SBL# 187.02-1-1.111

Sean,

The Building Dept has reviewed your intentions to construct a new home on a soon to be created lot on Center St. The proposed location of the new home would create a situation wherein there would be a non-conformancy with regard to Town of Aurora Zoning Code 116-4. I therefore request that you apply to the Town Zoning Board of appeals for a variance from these regulations.

116-4- Definition of Front Yard  
Required: no buildings in front of the Main Building  
Requested: accessory building in the front yard  
Variance: accessory building in the front yard.

If you wish to pursue this matter further you must apply to the Town of Aurora Zoning Board of Appeals for an Area Variance. You must include your application, application fee, a letter to the ZBA members explaining your difficulty, and any information to support your need for a variance from the Town Code. If you have any questions contact us at 652-7591.

William R. Kramer  
  
Code Enforcement Officer

## SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, NY AND REPLY TO MUNICIPALITY

Note: Please complete in triplicate. Send original and one copy (with attachments) to Erie County Division of Planning, Room 1053, 95 Franklin Street, Buffalo, N.Y. 14202.  
Retain last copy for your files.

DO NOT WRITE IN THIS SPACE

Case No.: \_\_\_\_\_  
Received: \_\_\_\_\_

The proposed action described herein is referred in accordance with the provisions of the General Municipal Law, which provides that if no reply is received in 30 days after receipt of full information including a SEQR EAF if applicable, the municipal agency may take final action without considering such reply. If, however, reply is received at any time prior to municipal Action, such reply must be considered.

### Description of Proposed Action

**1. Name of Municipality:** Town of Aurora

**2. Hearing Schedule:**      **Date** 5/21/2015      **Time** 7:00pm      **Location** 300 Glead 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       Specific as follows      719 Center Street, E. Aurora, NY

**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: (be specific)**      Accessory building in front yard of residence

**8. Other remarks: (ID#, SBL#, etc.)**      SBL#187.02-1-1.111

**9. Submitted by:**      Martha Librock, Town Clerk      5/11/15

300 Glead Avenue, East Aurora, NY 14052

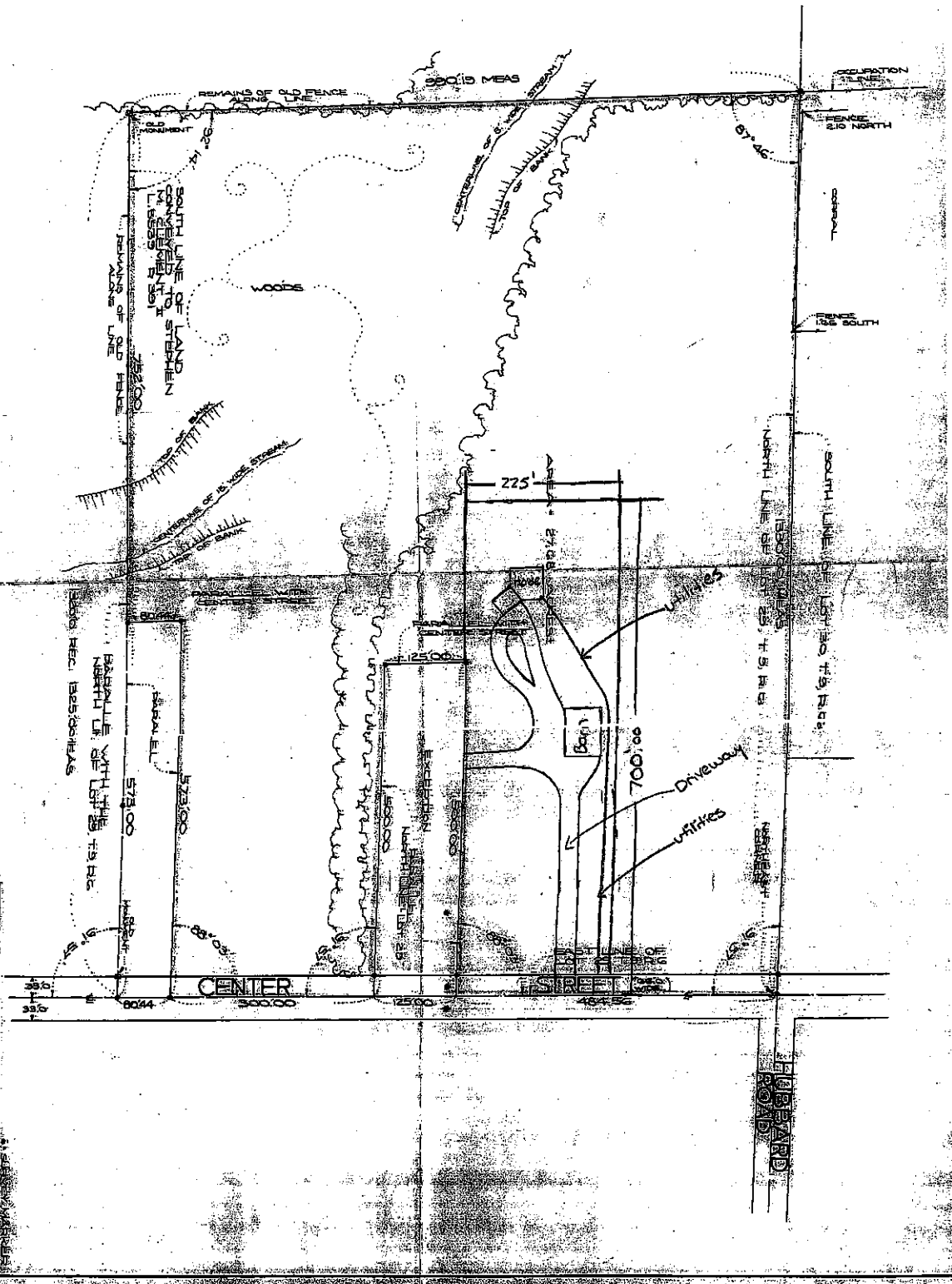
### Reply to Municipality by Erie County Division of Planning

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.  Form ZR-3, Comment on Proposed Action is attached hereto.
3.  The proposed action is subject to review; the Division makes the recommendation shown on Form ZR-4, Recommendation on Proposed Action, which is attached hereto.
4.  No recommendation; proposed action has been reviewed and determined to be of local concern

By the Division of Planning: \_\_\_\_\_ Date: \_\_\_\_\_

PART OF LOT 29, T9, R6  
TOWN OF AURORA



**WILLIAM J. NEWTON**  
 LAND SURVEYOR  
 1110 S. 10th St., Aurora, Ill.  
 Phone 1-1170

DATE	2/1/57
SCALE	1" = 200'
BY	W. J. Newton



**PAID**  
\$75.00

OK as to form only

**TOWN OF AURORA**  
**Zoning Board of Appeals Request**

Building Application # \_\_\_\_\_  
Building Permit # \_\_\_\_\_

Zoning Appeal Case No. 1241  
Date 5-21-15

TO THE ZONING BOARD OF APPEALS, TOWN OF AURORA, NEW YORK

I, (we) Jerry & Meghan Hughes of 100 Stewart Ct  
HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FROM THE DECISION OF THE BUILDING INSPECTOR on APPLICATION NO. \_\_\_\_\_ WHEREBY THE BUILDING INSPECTOR DID DENY

TO Jerry <sup>HUGHES JR</sup> & Meghan Robinson  
Name of Applicant

OF 100 Stewart, Aurora, N.Y.  
(Street & Number) (Municipality) (State)

- A PERMIT FOR USE
- A VARIANCE FROM ZONING ORDINANCE
- A TEMPORARY PERMIT OR EXTENSION THEREOF
- A CERTIFICATE OF EXISTING USE
- A PERMIT FOR OCCUPANCY

1. LOCATION OF THE PROPERTY 100 Stewart  
SBL # 163.03-1-2 ZONING DISTRICT A

2. PROVISION(S) OF THE ZONING ORDINANCE APPEALED. (Indicate the Article, section, sub-section, and paragraph of the Zoning Ordinance being appealed, by number. Do not quote the Ordinance)  
116-2.8A

3. TYPE OF APPEAL. Appeal is made herewith for:  
 An interpretation  A variance - to the Zoning Ordinance  
 An exception  A temporary permit

4. A PREVIOUS APPEAL ( ) has  has not been made with respect to this decision of the Building Inspector or with respect to this property

NAMES AND ADDRESSES OF OWNERS OF ABUTTING PROPERTIES ARE:  
See attached list marked as an exhibit.

STATE OF NEW YORK  
COUNTY OF ERIE  
TOWN of Aurora

Meghan Hughes  
Signature(s)  
100 Stewart rd. Aurora, NY  
Mailing Address

Jerry Hughes Jr., being duly sworn, deposed and says that he is the petitioner in this action; that he has read the foregoing Request and knows the contents thereof; that the same is true to the knowledge of deponent.

Sworn to before me this 30<sup>th</sup>  
day of April, 2015

PAID 4/30/15  
Bretal DTC  
# 687381

James R. Overdorf  
NOTARY PUBLIC

JAMES R. OVERDORF  
Notary Public, State of New York  
No. 02OV5054013  
Commission Expires January 2, 2016



Town of Aurora  
 300 Glead Avenue  
 East Aurora NY 14052



Zoning Board of Appeals Petitioner's Letter of Intent

Applicants Name Jerry <sup>HUGHES JR</sup> + Meghan Robinson  
 Address 100 Stewart Rd. Aurora, NY  
 Telephone 817-676-8332

Address of appeal 100 Stewart Rd.  
 Zoning District Agricultural  
 Zoning Code Section 116-28

Type of Appeal:

- A PERMIT FOR USE
- A VARIANCE FROM ZONING ORDINANCE
- A TEMPORARY PERMIT OR EXTENSION THEREOF
- A CERTIFICATE OF EXISTING USE
- A PERMIT FOR OCCUPANCY

GROUND FOR VARIANCE: (may continue on separate sheet)

see Attached documents

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ACKNOWLEDGMENT:

Pursuant to Section 809 of the New York State General Municipal Law, the appellant shall state in his written appeal that to the best of his knowledge, no state officer or officer or employee of the Town of Aurora, has any interest in the appellant as defined in Section 809 of the General Municipal Law. If this statement cannot be made, the nature of any such interest must be disclosed as required by said State Law

Petitioners Signature \_\_\_\_\_ Date \_\_\_\_\_  
 X Owners Signature Jerry Hughes Date 4/27/15

We are asking for a Variance to install a 6' Ornamental Fence in the front yard of 100 Stewart Ct.

The property is located at the end of the street behind the homes located at 85 and 90 Stewart. Please see attached diagram, showing property lines. The purpose for the fence is for security. The property sits off the road and is not visible from the street.

The fence will also keep anyone from wandering on to the property (especially at night), and without knowing it, wander/ fall into Cazanovia Creek.

The fence would be Wrought Iron posts with Stone accent columns. The gate would be remote controlled with an emergency services code.

Thank you for your assistance and consideration.

Sincerely,

Meghan and Jerry Hughes

SUPERVISOR  
James J. Bach  
(716) 652-7590  
[jbach@townofaurora.com](mailto:jbach@townofaurora.com)



TOWN CLERK  
Martha L. Libroek  
(716) 652-3280  
[townclerk@townofaurora.com](mailto:townclerk@townofaurora.com)

**TOWN OF AURORA**  
**Southside Municipal Center**  
300 Glead Avenue, East Aurora, NY 14052  
[www.townofaurora.com](http://www.townofaurora.com)

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ASSESSOR  
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[assessor@townofaurora.com](mailto:assessor@townofaurora.com)  
(716) 652-0011

DIR. OF RECREATION  
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[peggy@townofaurora.com](mailto:peggy@townofaurora.com)

TOWN ATTORNEY  
Ronald P. Bennett

TOWN JUSTICE  
Douglas W. Marky  
Jeffrey P. Markello

HISTORIAN  
Robert L. Goller  
(716) 652-7944  
[historian@townofaurora.com](mailto:historian@townofaurora.com)

FAX: (716) 652-3507  
NYS Relay Number:  
1(800) 662-1220

Jerry & Megan Hughes  
100 Stewart Ct.  
East Aurora, NY 14052

4/30/2015


Re: Fence

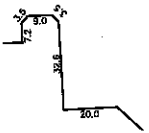
Jerry & Megan,

The Building Dept has reviewed your plan to erect a new fence at 100 Stewart Ct. The proposed plan would be in conflict Town Code Section 116-28 A.

Required: A wall or fence not over 3.5 ft. in any front yard or side-street side yard.  
Requested Fence: 6 ft.  
Variance required: 2.5ft

If you wish to pursue this matter further you must apply to the Town of Aurora Zoning Board of Appeals for an Area Variance. You must include your application, application fee, and any information you need to support your need for a variance from the Town Code. If you have any questions contact us at 652-7591.

William R. Kramer  
  
Code Enforcement Officer

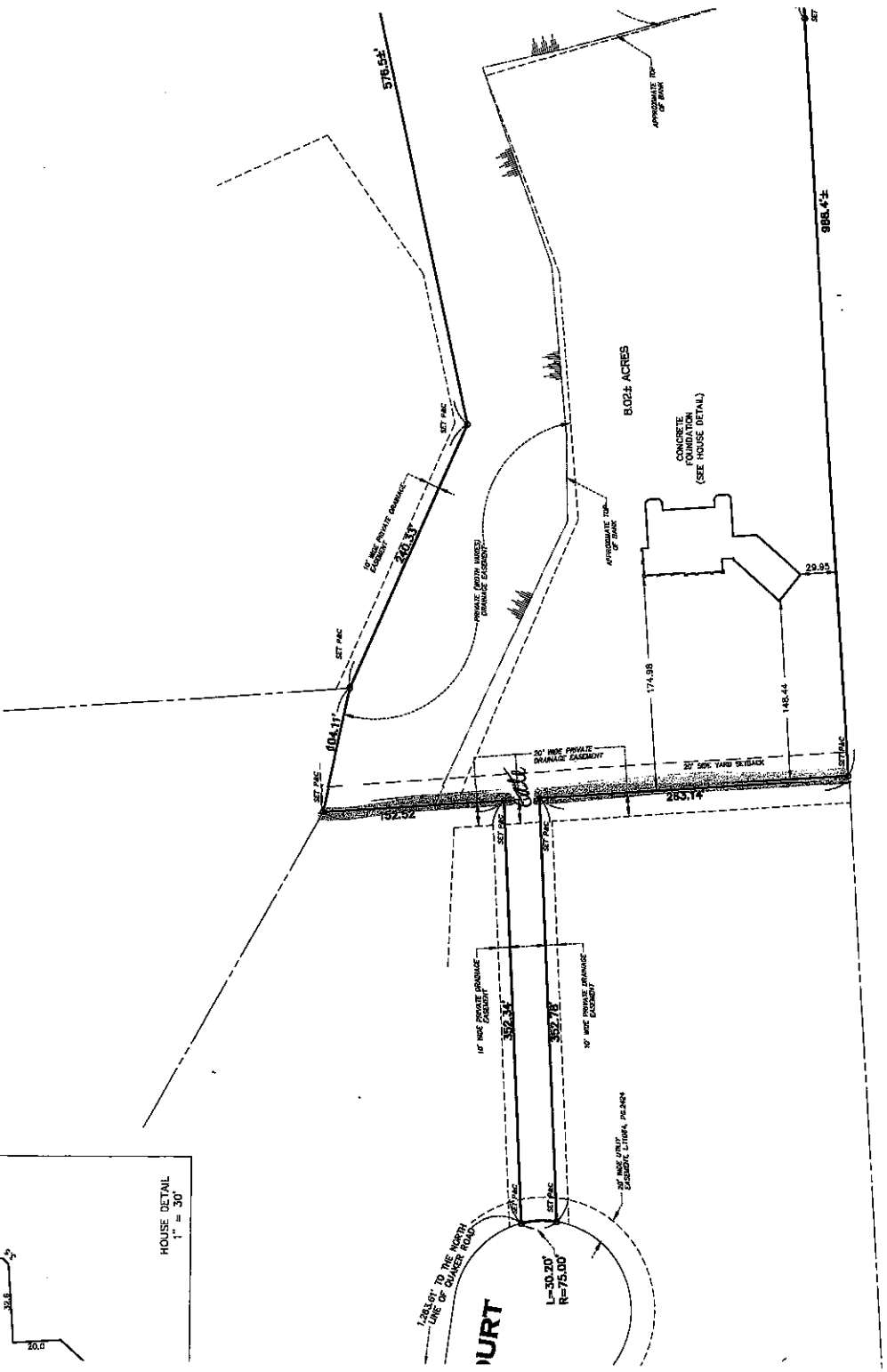


HOUSE DETAIL  
1" = 30'

TURN TO THE NORTH  
LINE OF CHANCE ROAD

**TURN**

L=30.00'  
R=75.00'



8.02± ACRES

CONCRETE  
FOUNDATION  
(SEE HOUSE DETAIL)

12" WIDE PRIVATE DRAINAGE  
EASEMENT

12" WIDE PRIVATE DRAINAGE  
EASEMENT

12" WIDE PRIVATE DRAINAGE  
EASEMENT

12" WIDE TAND STRIP

12" WIDE PRIVATE DRAINAGE  
EASEMENT

12" WIDE PRIVATE DRAINAGE  
EASEMENT

12" WIDE TAND  
STRIP  
EASEMENT, UTILITY STRIP

APPROXIMATE TOP  
OF DRIVE

APPROXIMATE TOP  
OF DRIVE

APPROXIMATE TOP  
OF DRIVE

988.42'

OK as to form only

**TOWN OF AURORA**  
**Zoning Board of Appeals Request**

**PAID**  
8752

Building Application # \_\_\_\_\_  
Building Permit # \_\_\_\_\_

Zoning Appeal Case No. 1242  
Date ~~April 30, 2015~~  
5.21.15

TO THE ZONING BOARD OF APPEALS, TOWN OF AURORA, NEW YORK

I, (we) JASON RUDNICKI of 21 Hawthorne Trail, Depew, NY 14043  
(in regards to vacant land on Underhill Road)

HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FROM THE DECISION OF THE BUILDING INSPECTOR on APPLICATION NO. \_\_\_\_\_ WHEREBY THE BUILDING INSPECTOR DID DENY

TO JASON RUDNICKI  
Name of Applicant

OF 21 Hawthorne Trail, Depew, New York  
(Street & Number) (Municipality) (State)

- A PERMIT FOR USE
- A VARIANCE FROM ZONING ORDINANCE
- A TEMPORARY PERMIT OR EXTENSION THEREOF
- A CERTIFICATE OF EXISTING USE
- A PERMIT FOR OCCUPANCY

1. LOCATION OF THE PROPERTY Underhill Road Vacant Land  
SBL # 188.00-1-18.1 ZONING DISTRICT Agricultural

2. PROVISION(S) OF THE ZONING ORDINANCE APPEALED. (Indicate the Article, section, sub-section, and paragraph of the Zoning Ordinance being appealed, by number. Do not quote the Ordinance)

**D103**

3. TYPE OF APPEAL. Appeal is made herewith for:

- An interpretation
- A variance - to the Zoning Ordinance
- An exception
- A temporary permit

4. A PREVIOUS APPEAL  has  has not been made with respect to this decision of the Building Inspector or with respect to this property

NAMES AND ADDRESSES OF OWNERS OF ABUTTING PROPERTIES ARE:

See attached list marked as an exhibit.

STATE OF NEW YORK  
COUNTY OF ERIE  
30th of April

Jason Rudnicki  
Signature(s)  
21 Hawthorne Trail, Depew, New York 14043  
Mailing Address

Jason D. Rudnicki, being duly sworn, deposed and says that he is the petitioner in this action; that he has read the foregoing Request and knows the contents thereof; that the same is true to the knowledge of deponent.

Sworn to before me this 30th  
day of April, 2015

Sheryl A. Miller  
NOTARY PUBLIC

**SHERYLA A. MILLER**  
Reg. #01M16128663  
Notary Public, State of New York  
Qualified in Erie County  
Commission Expires June 13, 2015

4/30/15  
Notary DTC  
687383



**Town of Aurora**  
**300 Gleed Avenue**  
**East Aurora NY 14052**



**Zoning Board of Appeals Petitioner's Letter of Intent**

Applicants Name April and Jason Rudnicki  
Address 21 Hawthorne Trail, Depew, New York 14043  
Telephone 716-685-3891, 716-348-9631

Address of appeal Vacant Land -- Underhill Road, East Aurora, NY (8.62 acres)  
SBL 188.00-1-18.1

Zoning District Agricultural

Zoning Code Section D103

Type of Appeal:

- A PERMIT FOR USE  A CERTIFICATE OF EXISTING USE  
 A VARIANCE FROM ZONING ORDINANCE  A PERMIT FOR OCCUPANCY  
 A TEMPORARY PERMIT OR EXTENSION THEREOF

GROUNDS FOR VARIANCE: (may continue on separate sheet)

Please allow this letter to serve as a request for a variance regarding the above referenced property on Underhill Road. This request is in regards to Zoning Code Section D103 (Fire Apparatus Access Road) which requires the widening of the access driveway of said property to 20ft.

Grounds for this variance include, but are not limited to:

- The inability to obtain a reasonable return. The existing driveways are 11ft and 10ft, as shown on the development drawing. Applicants wish to increase the width of the driveways to a uniform 16 foot width in the interest of increasing safety. The expense of widening the driveway from 12ft to 20ft for the entire length of the 1,100 foot driveway is excessive and will not increase the property value or improve resale. The estimated cost of gravel alone for this project is \$88,000.00. This is based upon an estimate of 10ft x 1100ft x 8 inches deep and at a cost of \$1.00 per square foot. This does not include tree removal, land preparation, labor, or culvert extension. If applicants were to sell said property, the cost of widening the driveway would be unrecoverable and create an undue hardship.
- This hardship is unique and does not apply to a substantial portion of the district or

neighborhood. There are many driveways and roads in the Town of Aurora that do not meet this 20ft requirement. These include, but are not limited to, all the surrounding properties on Underhill Road and even Underhill Road itself, which only measures a width of 18ft. paved.

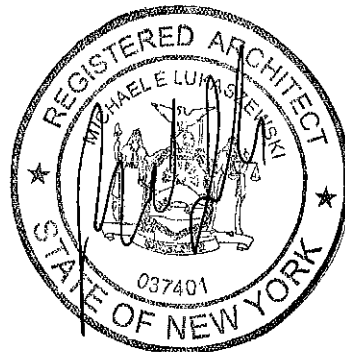
- Granting of this variance will not alter the essential character of the neighborhood.
- This hardship has not been self-created.
- Applicant has requested a meeting with the Aurora Fire Chief to visit the property and review fire apparatus accessibility.
- A dramatic widening of the driveway may negatively impact the rural nature of the existing tree lined access to the property. A new 20ft wide driveway may appear like a side road of Underhill Road instead of the private driveway that it is and this could create unwanted traffic.
- Applicants are willing to make alternate accommodations to ensure safety in the spirit of the fire code, such as widening the existing "Y" turnaround and/or cul-de-sac to ensure that a fire apparatus can access the property safely. It is our understanding an access road of 16ft would provide adequate space for a fire or safety vehicle to access the property as standard fire trucks and ambulances measure 9-10ft wide. Such vehicles may require additional space once they reach said property for fire or emergency, which will be accommodated for by applicants via a "Y" and/or cul-de-sac.

The attached architectural development plan shows the suggested turn around "Y" area that will accommodate a fire apparatus turn around including a cul-de-sac turn around for other vehicles.

ACKNOWLEDGMENT:

Pursuant to Section 809 of the New York State General Municipal Law, the appellant shall state in his written appeal that to the best of his knowledge, no state officer or officer or employee of the Town of Aurora, has any interest in the appellant as defined in Section 809 of the General Municipal Law. If this statement cannot be made, the nature of any such interest must be disclosed as required by said State Law

Petitioners  
Signature Jason Khalil Date 5/12/15  
Owners Signature Jason Khalil Date 5/12/15





SUPERVISOR  
James J. Bach  
(716) 652-7590  
[jbach@townofaurora.com](mailto:jbach@townofaurora.com)



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

**TOWN OF AURORA**  
**Southside Municipal Center**  
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TOWN ATTORNEY  
Ronald P. Bennett

TOWN JUSTICE  
Douglas W. Marky  
Jeffrey P. Markello

HISTORIAN  
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[historian@townofaurora.com](mailto:historian@townofaurora.com)

FAX: (716) 652-3507  
NYS Relay Number:  
1(800) 662-1220

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

Jason Rudnicki  
21 Hawthorne Trail  
Depew, N.Y. 14043

4/30/2015

Re: Egress Width for SBL 188.00-1-18.1 Underhill Rd.

Jason,

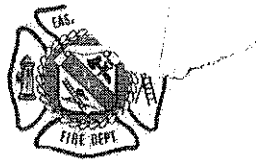
After reviewing your survey which was submitted as part of your Open Development Area application it was determined that you lack the required access road width for a legal building lot. We are requesting that you apply to the Zoning Board of Appeals to request a variance for the required width of the ingress and egress road to your property as stated in Chapter 79-6B(2)

Required: An access road with a hard surface not less than 20' wide  
Requested: Hard surface 12' wide  
Variance required: 8 feet

If you wish to pursue this matter further you must apply to the Town of Aurora Zoning Board of Appeals for an Area Variance. You must include your application, application fee, and any information you need to support your need for a variance from the Town Code. If you have any questions contact us at 652-7591.

William R. Kramer

Code Enforcement Officer



To: Patrick Blizniak, Superintendent of Buildings, Town of Aurora, NY

Fm: Craig L. Thrasher, East Aurora Fire Department, 1021 Mill Road, East Aurora, NY 14052 716/510-6320

Su: ODA Construction, 1104 Underhill Road, Town of Aurora, NY (Owner: Mr. and Mrs. Jason Rudnicki. Architect: Mr. Michael Lukaszewski)

Date: 5/5/2015

Following our on-site inspection of the property at 1104 Underhill Road, in the company of the owner and architect, on which a new residential construction project has been proposed, the Chief of the East Aurora Fire Department, Roger LeBlanc and I affirm that the owner's plans for a sixteen foot wide driveway and an additional three feet of clear space on either side, as presented and discussed, meet the requirements of the East Aurora Fire Department.

- 1) The Department requests the opportunity to inspect the driveway at the time the COI is granted.
- 2) It was suggested to Mr. Rudnicki that the potable water supply line be two inches internal diameter so as to provide adequate water service and to support a possible residential sprinkler system.
- 3) It was recommended that Mr. Rudnicki determine and understand any truss or engineered materials to be used in the structure construction to better understand the structural fire risks that they present. In addition, Mr. Rudnicki was made aware of new Code requirements that if such materials are used that proper signage be clearly affixed to the structure to make responding firefighters aware of this risk element.

Please contact me or Chief LeBlanc if you have further questions.

/s/ Craig L. Thrasher  
Senior Fire Investigator  
East Aurora Fire Department