



original

CASE NO. 1491

DATE OF HEARING 1/16/2025

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 William and Caitlin Gillmeister, Mill Run Meadows Farm
Address 1778 Mill Road
City West Falls State N.Y. ZIP 14170
Phone [redacted] Fax none Email millr@gmail.com
Interest [redacted] ner/purchaser/developer) OWNERS

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

Property Owner(s) Name(s) Same as above.
Address _____
City _____ State _____ ZIP _____
Phone _____ Fax _____ Email _____

III. PROPERTY INFORMATION

Property Address 1778 Mill Road, West Falls, New York 14170
SBL# 186.00-3-5 and 3-23-21
Property size in acres Approx. 35 acres 6.4 Property Frontage in feet Approx. 1500 2379.74
Zoning District R1, A, RR Surrounding Zoning Same
Current Use of Property Residence, Farming

IV. REQUEST DETAIL

(check all that apply)
 Variance from Ordinance Section(s) # _____
 Special Use Permit for: _____
 Use Variance for: _____
 Interpretation of denial of our Application for Agriculture Zoning Verification Permit made under Town Code section 116-85.

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)

William J. Gillmeister
Signature of Applicant/Petitioner

William J. Gillmeister
Print name of Applicant/Petitioner

State of New York; County of Erie

On the 9 day of Dec 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.

Rena Killian
Notary Public

(Notary stamp)

RENA KILLIAN
Notary Public, State of New York
Qualified in Erie County
Reg. No. 01KI0021355
My Commission Expires Feb. 22, 2028

Office Use Only: Date received: 12/16/24 \$ 100 CK 2390 Receipt #: 713646 KA

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)

We respectfully submit that no rational basis supports the October 21, 2024 denial of our Application for Agriculture Zoning Permit for a 24'x36' pole barn to be used exclusively for farming because denial of the Permit was contrary to unambiguous provisions of the Town Code and contrary to findings of the Town Board and the New York State legislature on the benefits of farming to the Town and State. More specifically, the proposed building site is within an Agriculture District "as shown on" the Zoning Map, and imposing a tax-exemption requirement for this kind of Permit that is not contemplated - let alone required - by the Town Code or related provisions of New York State law violates the principle that zoning ordinances, being in derogation of property rights, must be strictly construed in favor of property owners. For these reasons, and for the additional reasons we will raise during our hearing, we respectfully request that our Application be remanded with direction to grant the Application.

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)

**SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, N.Y.
AND REPLY TO MUNICIPALITY**

Submit this form with full statement of proposed action (as described in GML 239-m(c)) at www.Erie.gov/IRonline, OR mail a hard copy (retain a copy for your files) to: Erie County Division of Planning, 95 Franklin Street, Room 1053, Buffalo, N.Y., 14202

DO NOT WRITE IN THIS SPACE

Case No.: _____

Postmark/Delivery Date: _____

The proposed action described herein is referred in accordance with the provisions of NYS General Municipal Law §239 1 - nn
A Municipal Referral Map is available to help determine whether an applicable action is subject to referral.

Description of Proposed Action

1. Name of Municipality: Town of Aurora

§239-m(4)(b) provides that the county shall have 30 days after receipt of a full statement of the proposed action to reply.
If the county fails to reply within such period, the referring body may take final action.
However, any county reply received after 30 days but 2 or more days prior to final action by the referring body shall be subject to §239-m(5)
The referring body shall file a report of its final action with the county within 30 days per §239-m(6).

2. Hearing Schedule: **Date** 1/16/2025 **Time** 7:45pm **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: code intpretation

5. Location of Property: Entire Municipality Address: 1778 Mill Road, PO W. Falls

5a. S.B.L. of Property: 186.00-3-5

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: Pole barn - owner/applicant was denied Ag Zoning verification
(specify the action, such as the scope of variances or site plans)

8. Other remarks: _____

9. Submitted by: Martha Libroek, Town Clerk Email: townclerk@townofaurora.com

10. Return Address: 575 Oakwood Ave., E. 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: _____

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

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(716) 652-7944
historian@townofaurora.com

FAX: (716) 652-3507

William Gillmeister
1778 Mill Rd
West Falls, NY 14170

December 10, 2024

Mr. Gillmeister:

The Building Department has reviewed your request for a zoning verification permit to construct a barn structure on your property at 1778 Mill Rd. The request has been denied as the property is not in an Agricultural District nor does it have an agricultural assessment as defined in NYS Ag and Markets Law Article 25-AA. A zoning verification permit has only been issued to properties that have an agricultural land use as defined by Article 25-AA and is verifiable through the Assessor's office.

Furthermore, if any part of the building is within the R1 zoning district then a variance to keep animals in this location is required prior to a building permit. If the building were to be entirely in the A district, then the number of animals is not limited and only a building permit is required.

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: <i>1778 Mill Road, West Falls, New York, Mill Run Meadows Farm pole barn</i>			
<i>Same</i>			
Project Location (describe, and attach a location map): <i>Same</i>			
Brief Description of Proposed Action: <i>Appeal of denial of Application for Agriculture Zoning Exemption Verification Permit under Code § 116-85</i>			
Name of Applicant or Sponsor: <i>William J. Grillmeister</i>		Telephone: _____	
		E-Mail: <i>mill@mail.com</i>	
Address: <i>1778 Mill Road</i>			
City/PO: <i>West Falls</i>		State: <i>N.Y.</i>	Zip Code: <i>14170</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. <i>See above</i>		NO <input type="checkbox"/>	YES <input checked="" 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:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		<i>8.4</i> <i>230</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>all 230</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 checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations? <i>I believe it is.</i> b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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? 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?	<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"/>	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: _____ _____
<input checked="" type="checkbox"/>	<input 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?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Chapter 116. Zoning

Article VIII. Administration and Enforcement

§ 116-85. Exceptions to permit requirements.

- A. The provisions of § **116-84** shall not apply to the erection, alteration or use of any farm structure, other than a dwelling or development, within a special flood hazard area depicted on the FIRM or to the use of land for agricultural purposes in any district where such structures and uses are permitted. It is not the intent of this chapter to impose any requirements or limitations on farm structures except that they shall be constructed in accordance with good trade practices, shall comply with all applicable health and safety laws and regulations and shall be located at least the distances specified in this chapter from any highway or property line.
- B. Zoning verification permits.
- (1) The Town of Aurora Code Enforcement Officer is delegated with the authority to issue zoning verification permits under the circumstances in § 280-a of the Town Law, and recognizing the exemption cited in the Building Code of New York State (BCNYS), Section 101.2, Scope, Exception 2: "Agricultural buildings, including barns, shed, poultry houses and other buildings and equipment on the premises, used directly and solely for agricultural purposes."
 - (2) Any agricultural proposal which requires a Town of Aurora agriculture zoning verification permit must first be reviewed by the Town of Aurora Code Enforcement Officer to determine whether the proposal violates any provision(s) of the Town of Aurora Zoning Law. This officer's determination is based upon information submitted on a Building Department-supplied application/form by the applicant. Such determination is subject to review and change if the project is modified at a subsequent date. The Code Enforcement Officer reserves the right to request further information if it is deemed necessary. A disapproval of the application by the Code Enforcement Officer means the project, as designed, cannot proceed for the reasons provided. If the applicant disagrees with the Code Enforcement Officer's determination, the applicant may appeal to the Town of Aurora Zoning Board of Appeals.
 - (3) All zoning verification permit applications will be accompanied by a site plan in the form of a survey marked with proposed changes with all lot line setback distances noted, along with an application fee as established by the Town Board.

BUILDING DEPARTMENT
Town of Aurora/Village of East Aurora
300 Gleed Avenue, East Aurora, NY
Phone (716) 652-7591
Fax (716) 652-3507

Permit # _____

ZBA: (\$75) Y or N

Date _____	Agricultural status verification PERIOD _____ TO _____
Permit Fee \$ 20.00	

APPLICATION FOR AGRICULTURE
ZONING VERIFICATION PERMIT

Location 1778 mill Road SBL# 186.00-3-5 and 3-23.1

Property Owner Name William and Caitlin Gillmeister, Mill Run Meadow Farm

1. Give a brief description of request/intention for Zoning permit: to build a pole barn for use in regenerative grazing agricultural use.
2. Existing use and occupancy Agricultural Non Agricultural
3. Zone or use district in which premises are situated Agricultural
4. Size of completed building 24..ft wide 36..ft long 16..ft high 1... Stories Total sq ft. 864...
5. Estimated Cost (determined by Building Department) * _____
6. Front Yard setback _____ in compliance not in compliance
7. Rear Yard setback _____ in compliance not in compliance
8. Side Yard(s) setback _____ in compliance not in compliance
9. Will electrical work be inspected and a Certificate of Approval obtained? Yes ___ No


.....Signature of Code Enforcement Officer/Building Inspector
<i>Receipt is hereby acknowledged of the sum of \$20.00, Equal to the permit fee established by the Town Board of the Town of Aurora NY</i>
..... Town Clerk/ Deputy Clerk


PLEASE READ BEFORE SIGNING APPLICATION

- A) **This application must be completely filled in and submitted** to the Building Department.
- B) Survey showing location of lot and of buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application. Indicate distance to nearest building on adjoining lot.
- C) The work covered by this application may not be commenced before the issuance of Zoning Permit.
- D) Upon approval of this application, the Building Department will issue a Zoning Permit to the applicant. Such permit shall be kept on the premises available for inspection throughout the progress of the work.

APPLICATION IS HEREBY MADE to the Code Enforcement Officer for the issuance of a Zoning Permit pursuant to the NEW YORK UNIFORM FIRE PREVENTION AND BUILDING CODE for the construction of buildings, additions and alterations, as herein described. The applicant agrees to comply with all applicable codes, laws, and regulations. The undersigned hereby certifies that all of the information contained in this application is correct and true.

Name of owner (Please Print) William Grillmeister
Address 1778 Mill Road, West Falls, 14178 Telephone C


SIGNATURE OF OWNER

Initially Submitted 10/16/24
DATE
Resubmitted 12/11/24 

IF OWNER OF PROPERTY IS A CORPORATION, FILL IN LOWER SECTION

STATE OF NEW YORK
COUNTY OF ERIE

ss:

_____ being duly sworn deposes and says that he is the applicant (Name of individual signing application)

Above named. He is the _____ of said owner or owners, and _____ (corporate officers, etc.)

and is duly authorized to perform or have performed the said work and to make and file this application: that all statements contained in this application are true to the best of his knowledge and belief, and that the work will be performed in the manner set forth in the application and in the plans and specifications filed therewith.

_____ (Signature of Applicant)

Sworn to before me this _____ day of _____ 20__

_____ (Signature of Notary) Notary Seal

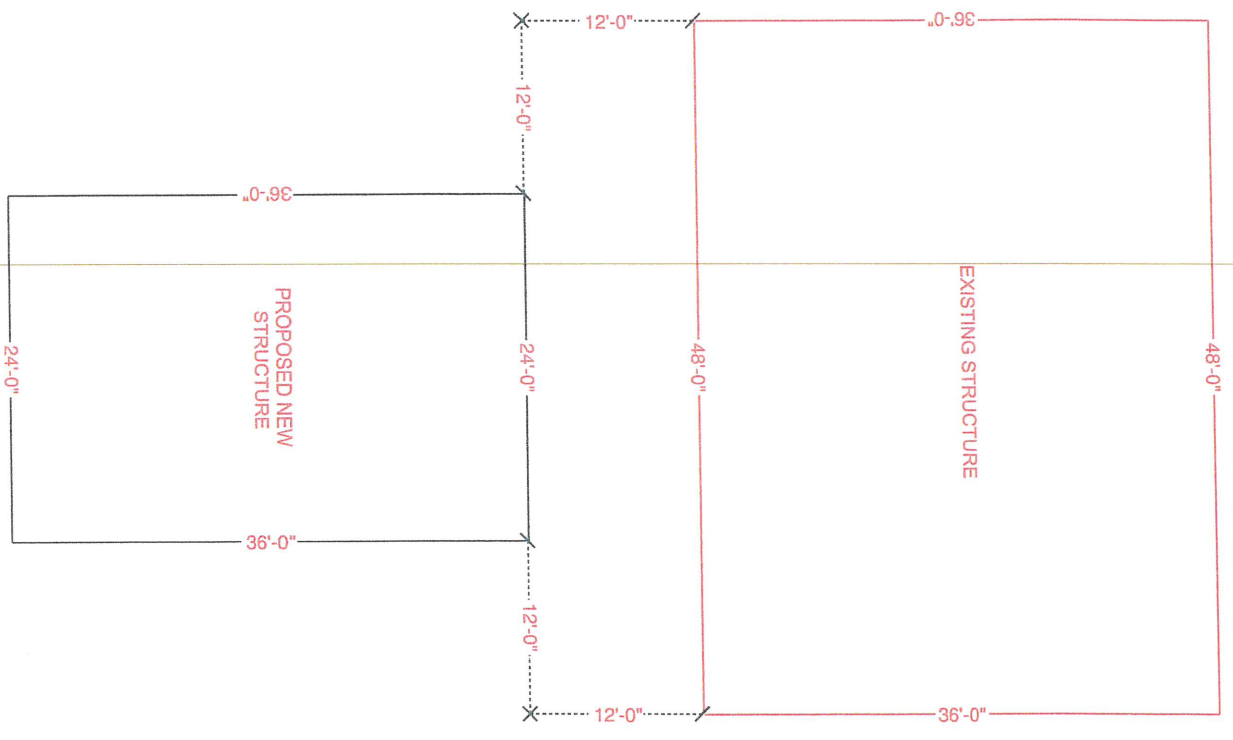
SURVEY

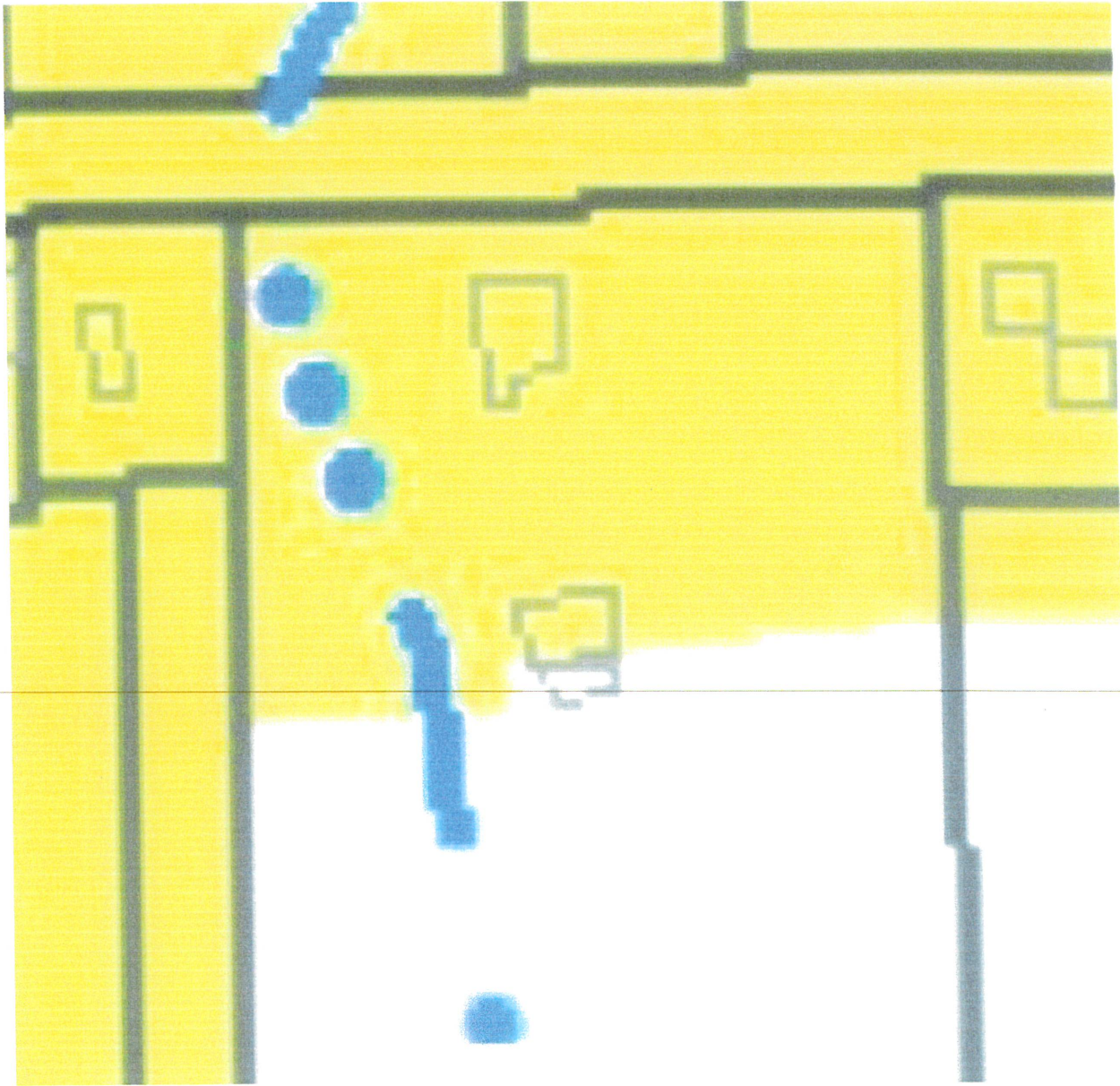


200'-0"

20' Side Setback

SITE PLAN EXHIBIT





Online Zoning Map Excerpt

1778 Mill



