

**PAID**  
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Zoning Appeal Case # 1268  
Approved/Denied Date

Hearing Date 5-19-16

ZONING BOARD OF APPEALS  
TOWN OF AURORA, ERIE COUNTY, NY  
SPECIAL USE PERMIT APPLICATION

Case # 1268

TO THE ZONING BOARD OF APPEALS:

The undersigned hereby applies to the Zoning Board of Appeals for a special use permit pursuant to Article VI, Section 116-61C, of the Zoning Ordinance of the Town of Aurora affecting the following described premises in manner and on grounds here-in-after set forth:

Owner: Jason = J Neene Sexton  
Address: 301 Porterville Road East Aurora  
Agent: N/A  
Address: \_\_\_\_\_  
Contractor: N/A

GENERAL INFORMATION

1. Location of property: 301 Porterville Rd SBL# 145.13-4-50 Zone R1
2. State present use: Single family home
3. State the nature of the permission requested: Chickens and bees (no Roosters)
4. ATTACH recent copy of SURVEY of property.
5. ATTACH DETAILED PLANS showing site, elevations and plans of structures and accessory use areas and landscaped development of the entire parcel devoted to the Special Permit use.

APPLICANT'S ALLEGATIONS

The applicant alleges that the proposed Special Permit use:

1. would be in harmony with the orderly development of the district in which it is located because: only max of 6 chickens will be housed and bees are beneficial to the environment. Hens will be in a mobile chicken tractor.
2. and that it would not be detrimental to the property or persons in the neighborhood because: bees are useful pollinators and chickens are
3. and that it would not increase the traffic flow in the area to the extent that traffic safety would be endangered because: chickens and bees will be housed away from road.
4. and furthermore that it would conform to the standards as prescribed by the Town Board so as to promote the general health and welfare of the community and preserve the property values thereof.

OTHER INFORMATION REQUIRED

1. The undersigned further states that no rezoning or other matter relating to said property or the proposed use has been recently or is now the subject of proceedings before the Zoning Board of Appeals, Town Board or Planning Board of the Town of Aurora, except as follows: \_\_\_\_\_
2. If application signed by agent a statement by the owner of the site stating that he approves of and is a party to the proposed special use application must be provided.

The undersigned solemnly swears that all statements made herein are true and that all drawings submitted correctly show the situation involved in this appeal. Herewith, the sum of \$75.00, which incorporates the cost of Zoning Board Fee. Further, it is understood that additional information may be required by the Zoning Board of Appeals of the Town of Aurora, NY.

Signature: J Neene Sexton Address: 301 Porterville Rd East Aurora

State of New York SS:  
County of Erie  
Town of Aurora

Subscribed and sworn to before me  
this 27<sup>th</sup> day of April, 2016.

Sheryla Miller  
Notary Public

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

pd ca #1801  
7500  
Rept # 936 507

# 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** 5/19/2016     **Time** 7:00pm     **Location** 300 Glead Ave., E. Aurora

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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 301 Porterville Road, E. Aurora

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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)** Chickens and bee hive in a residential district

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**8. Other remarks: (ID#, SBL#, etc.)** SBL#165.13-4-50

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**9. Submitted by:** Martha Librock, Town Clerk     5/2/16

300 Glead Avenue, 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.  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: \_\_\_\_\_

# 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.

<b>Part 1 - Project and Sponsor Information</b>							
Name of Action or Project: <i>Keeping of Chickens and Bees</i>							
Project Location (describe, and attach a location map): <i>301 Porterville Road East Aurora</i>							
Brief Description of Proposed Action: <i>Small hobby farm with not more than 8 hens no roosters and one bee hive. Hens will be housed in mobile chicken tractor.</i>							
Name of Applicant or Sponsor: <i>Jason J Neene Sexton</i>		Telephone: <i>655-3868</i>					
		E-Mail: <i>jsextunsc@aol.com</i>					
Address: <i>301 Porterville Road</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.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
3.a. Total acreage of the site of the proposed action?		<i>less than 1</i> <del>0.00</del> acres					
b. Total acreage to be physically disturbed?		<i>0</i> acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<del>1.5</del> <i>less than 1</i> acres					
4. Check all land uses that occur on, adjoining and near the proposed action.							
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input 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							



	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	<input type="checkbox"/>	<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: _____	<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 site contain a structure that is listed on either the State or National Register of Historic Places?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100 year flood plain?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	<input checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p>		
<p>Applicant/sponsor name: <u>J Neene Sexton</u></p>	<p>Date: <u>04/27/16</u></p>	
<p>Signature: <u>J Neene Sexton</u></p>		



Project:

Date:

**Short Environmental Assessment Form**  
**Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project: \_\_\_\_\_  
 Date: \_\_\_\_\_

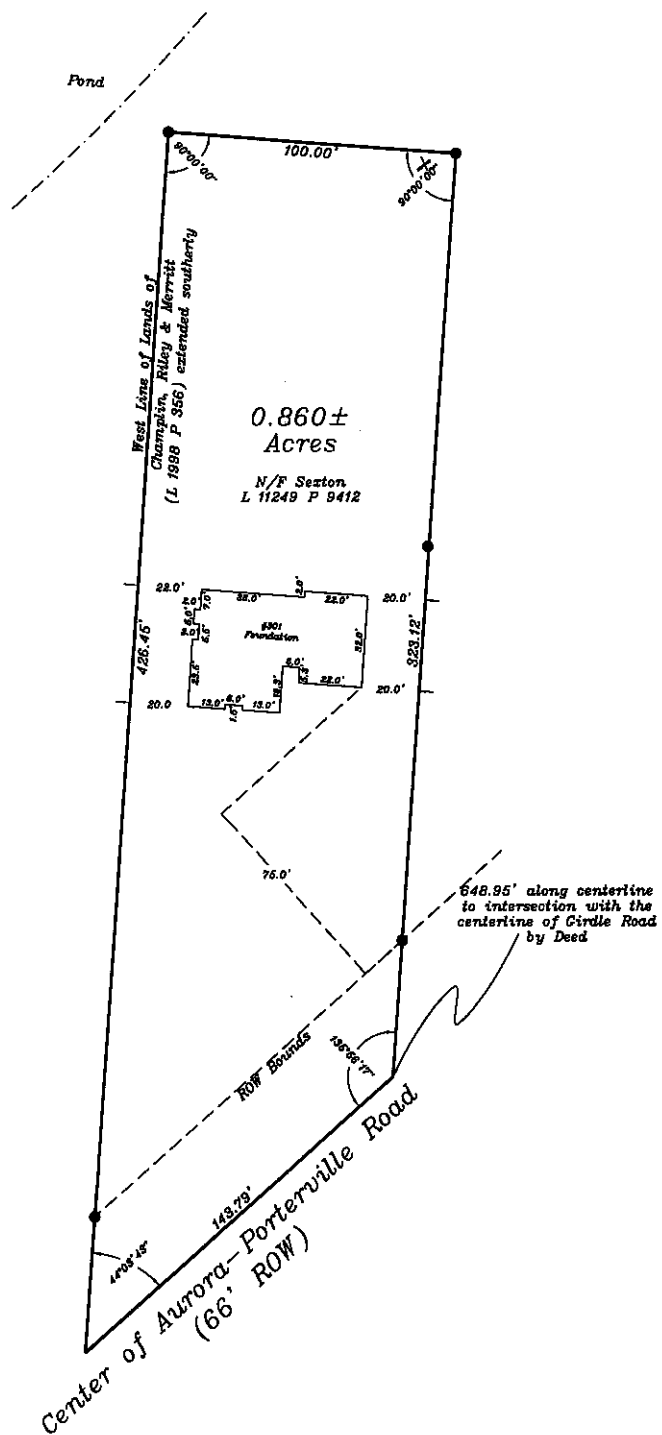
**Short Environmental Assessment Form  
 Part 3 Determination of Significance**

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

- Legend:**
- IP Found
  - Set 1/2" Rebar w/cap
  - ⊕ Utility Pole
  - D Deeded
  - M Measured



*WJ*

**Notes:**  
 This survey was prepared for Jason Sexton.  
 This map of survey dated June 2, 2014, was prepared from an instrument survey, with field work completed on May 29, 2014.

It is a violation of New York State Education Law for any person, unless acting under the direction of a licensed surveyor, to alter an item in any way.

Only copies of this survey marked with an original signature and an original embossed or ink seal are the product of the land surveyor.

This survey was prepared for the parties and purpose indicated hereon. Any extension of the use beyond the purpose agreed to, exceeds the scope of the engagement.

This survey was prepared without the benefit of an up to date abstract of title and is subject to any state of facts revealed by an examination of such.

This plan NOT valid with an Affidavit of No Change.

Lands on this survey are based on the references as shown.

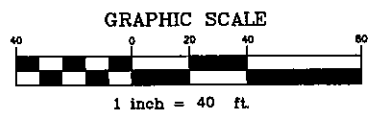
Distances are Deeded and Measured unless otherwise indicated.

Map symbols are not to scale.

Only visible utility services and/or encumbrances were located and shown.

Remove not the ancient landmark, which thy fathers have set. Prov. 22:28  
 Cursed be he that removeth his neighbor's landmark. And the people shall say Amen. Deuteronomy 27:17

Survey by William J Tucker, II PLS #050369  
 Clear Creek Land Surveying, L.L.C.  
 P.O. Box 435, Springville, N.Y. 14141  
 Phone 716-592-5800 Fax 716-592-5566



*Asbuilt Survey of*  
**#301 Porterville Road**  
 Part of Lot 16 T9 R6 HLC  
 Town of Aurora  
 Erie County, New York

Survey by William J Tucker II PLS #050369 dated June 2, 2014  
 Job No. 13-057A-0L Field Bk pg 11



Petitioner: J'Neene Sexton  
301 Porterville Rd  
East Aurora

SBL#: 165.13-4-50

=====

Abutting Properties: Mailing Address (if different)

SBL: 165.13-4-2.113  
Michael & Colleen Ryan  
V/L Porterville

PO Box 702  
East Aurora, NY 14052

SBL: 165.13-4-49  
Peter & Kate Jurns  
309 Porterville Rd  
East Aurora, NY 14052

SBL: 165.13-4-30.1  
Robert & Lori Bannister  
272 Porterville Rd  
East Aurora, NY 14052

SBL: 165.13-4-29.1  
Christine Parker  
286 Porterville Rd  
East Aurora, NY 14052

SBL: 165.13-4-28  
Edwin & Carol Stohrer  
302 Porterville Rd  
East Aurora, NY 14052

SBL: 165.13-4-27  
Rymant Urban Jr  
320 Porterville Rd  
East Aurora, NY 14052

J Neene Sexton  
301 porterville Rd

Spa 165.13-4-50

