



CASE NO. 1312

DATE OF HEARING 12/21/17

Town of Aurora Zoning Board of Appeals
300 Glead 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 Thomas A. Molenda
Address 2191 Grover Road
City West Falls State NY ZIP 14170
Phone 716 Email Tom Yahoo.com
Interest in the _____ (purchaser/developer) Purcha

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

Property Owner(s) Name(s) Georgina G. Moynihan
Address 2196 Grover Road
City West Falls State NY ZIP 14170
Phone 716 Email geo @gmail.com

III. PROPERTY INFORMATION

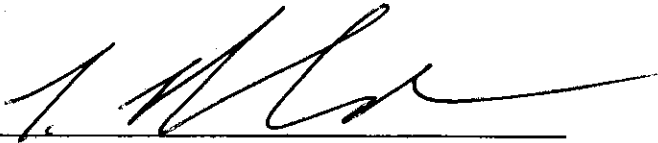
Property Address Part of 2196 Grover Road
SBL# 142489-200-000-0004-034-111 (Part of this parcel)
Property size in acres 1.010 Property Frontage in feet 150'
Zoning District RR Surrounding Zoning RR - A
Current Use of Property VACANT LAND

↓
part of
200.00-4-34.111

IV. REQUEST DETAIL

(check all that apply)
 Variance from Ordinance Section(s) # 116-8.4 F(1)
 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)



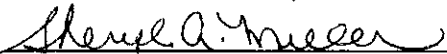
Signature of Applicant/Petitioner

Thomas Molenda

Print name of Applicant/Petitioner

State of New York; County of Erie

On the 17th day of November in the year 2017 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.



Notary Public

SHERYL A. MILLER
Reg. #01Mi6128663
Notary Public, State of New York
Qualified in Erie County
Commission Expires June 13, 2021

(Notary stamp)

Office Use Only: Date received: 11/22/2017 Receipt #: 229045

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 _____

Town of Aurora
300 Goad Avenue
East Aurora, NY 14052
www.townofaurora.com

Zoning Board of Appeals
Application
Owner Authorization

The undersigned, who is the owner of the premises know as:

2196 Groves Road

part of 200-00-4-34-111
142489-200-000-0004-034-111
identified as Tax Map (BBL) #

hereby authorizes Thomas A. Malenda to bring an application for and variance

special use permit full variance interpretation before the Town of Aurora Zoning Board of Appeals for review and potential approval. The undersigned further permits the Town or its authorized representative(s) access to the property to review existing site conditions during the review process.

Georgina C. Moynihan
Owner (print)

11/13/17
Date

[Signature]
Owner (signature)

STATE OF NEW YORK |
COUNTY OF ERIE |

On this 13th day of NOVEMBER, 2017, before me, the undersigned, a notary public in and for said state, personally appeared Georgina C. Moynihan, personally known to me on the basis of my knowledge, to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, intended to be bound by its terms and conditions.

[Signature]
Notary Public

NOTARY PUBLIC
STATE OF NEW YORK
My Commission Expires May 31, 2018

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)

Please See Attached.

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)

Town of Aurora
300 Glead Avenue
East Aurora, NY 14052

To the Planning Board, Building Department and Variance Committee;

RE: Grover Road Vacant Lot 1.010 Acres Part of 2196 Grover Road
(Lot is being separated from a larger parcel)

We are requesting a ten (10) foot side yard easement variance to the south property line on the above property for the following reasons;

1. The tributary to Pipe Creek is located to the North side of the property in which we are attempting to avoid building near. This would be the left (north) side of the lot. We are looking to move the easement ten (10) feet off the right (south) side of the lot in order to move further from the tributary to reduce the environmental impact of the build and eliminate any water issue to the home.
2. The north side of the existing driveway is wooded. Our easement request will not change the natural landscape and privacy attributes of the properties.
3. The homes which are located south east to this property line are set back 550' – 1,500' so we believe this should not impact the natural streetscape of the area or street.
4. The current property owner does not object to our request and agrees with our intention to lessen the environmental impact and will not contest the variance.

Thank you for your time. We look forward to being able to continue our project in the Town of Aurora.

Sincerely,



Tom Molenda

716.310.4277

Cc:\ Paul Cercone
Mike Campanella
Scott Grant

SUPERVISOR
JAMES BACH
(716) 652-7590
jbach@townofaurora.com



TOWN CLERK
MARTHA L. LIBROCK
(716) 652-3280
townclerk@townofaurora.com

TOWN OF AURORA
5 South Grove Street, East Aurora, NY 14052
www.townofaurora.com

Tom & Julie Molenda
2191 Grover Rd.
West Falls, NY 14170

11/20/2017


Re: Side yard setback for part of SBL 200.00-4-34.111

Tom & Julie,

The Building Dept has discussed with you the required setbacks for part of SBL 200.00-4-34.111. Based on your desired house location you have been advised to apply to the Zoning Board of Appeals for an area variance because your proposal fails to meet the requirements as stipulated by the Town of Aurora Table of District Regulations.

Section 116-8.4F(1)
Required: Side yard of any main building at least 20'.
Requested side yard: 10.0'
Variance required:10'

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



Erie County On-Line Mapping Application



Legend

- Parcels
- Municipal Boundaries

0 188.08 376.2 Feet

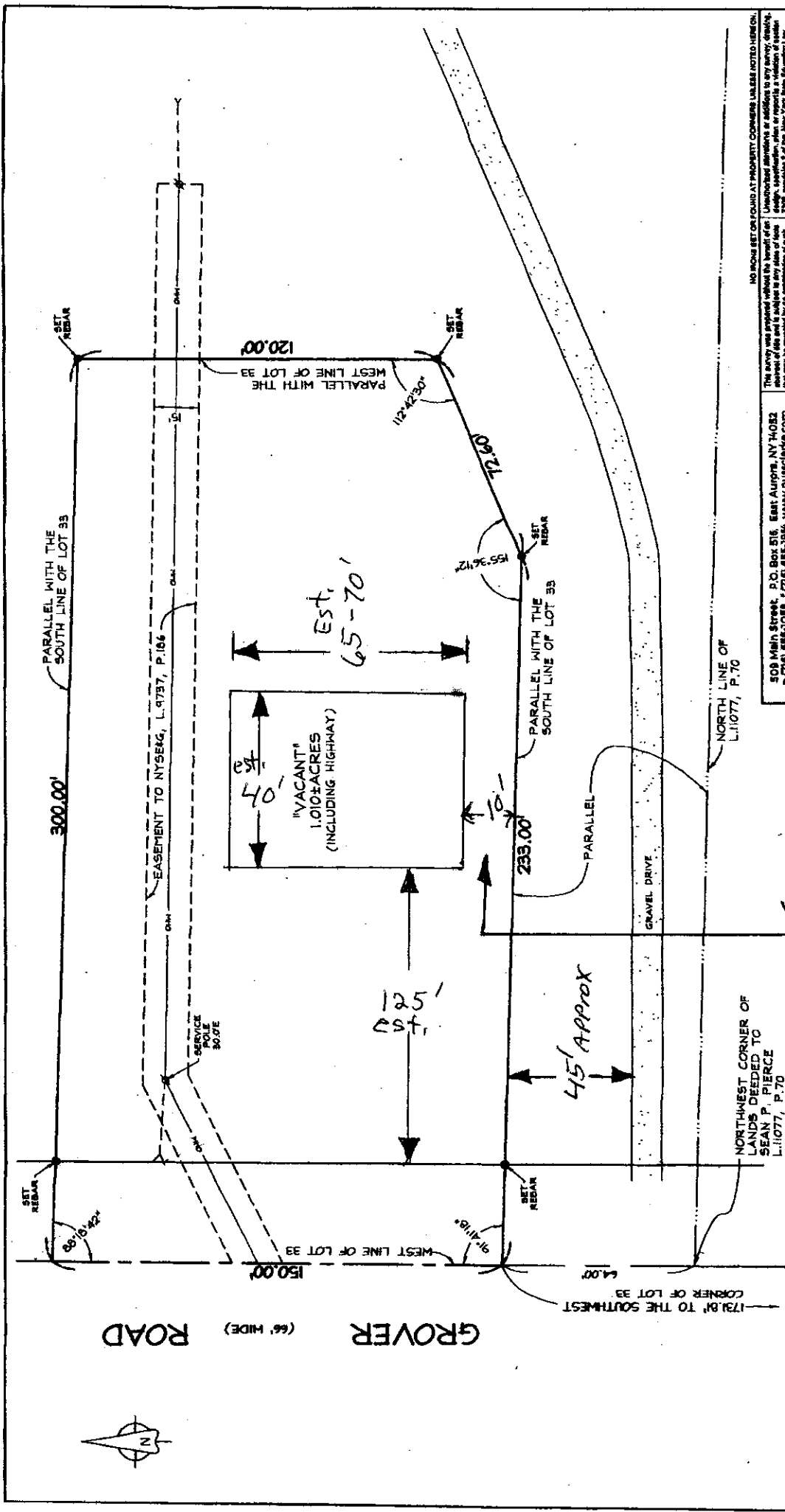
WGS_1984_Web_Mercator_Auxiliary_Sphere
THIS MAP IS NOT TO BE USED FOR NAVIGATION

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: 2,257





NO SHOW SET OR FOUND AT PROPERTY CORNERS UNLESS NOTED HEREON.
 This survey was prepared subject to the best of our knowledge, information and belief, and is subject to any future change of design, identification, plan or reports in violation of Section 2202, paragraph 2 of the New York State Education Law.

BOUNDARY SURVEY
VACANT - GROVER ROAD
 Part of Lot 33, Township 9, Range 6
 Holland Land Company's Survey
 Town of Aurora
 County of Erie, State of New York



Variance Request Area

Jonathan A. Kingston

508 Main Street, P.O. Box 516, East Aurora, NY 14032
 P (716) 685-1088 F (716) 685-1984 www.nussbaumclarke.com
 Date of Survey: 9/28/17
 Scale: 1" = 30'
 Project No.: 1723-0480
 Successors to the records of Arthur L. Shiner, Land Surveyor
 Copyright © 2017, NUSBAUM & CLARKE, INC.

REVISED 10/27/17- CHANGED PROPERTY LINE

Short Environmental Assessment Form

Part 1 - Project Information

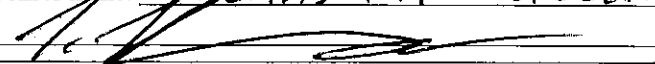
Instructions for Completing

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.

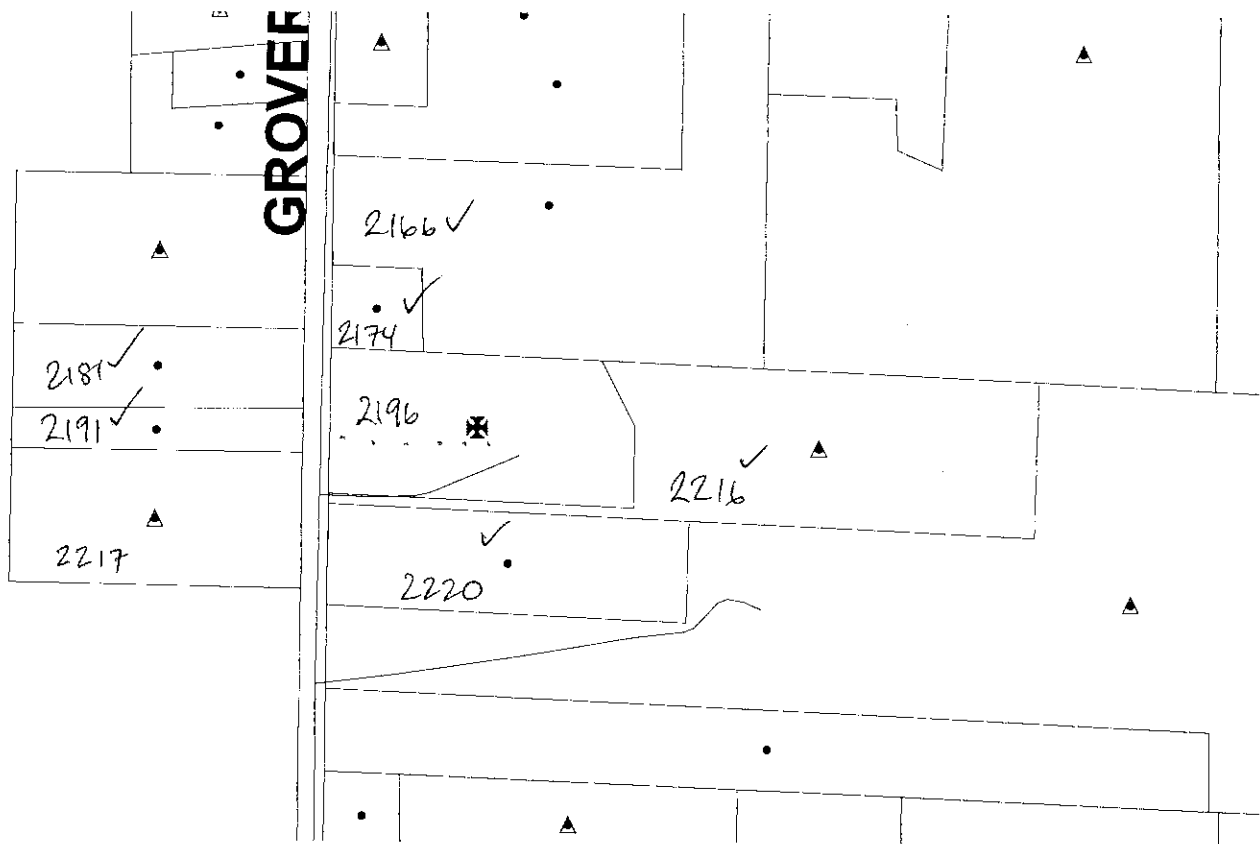
Part 1 - Project and Sponsor Information			
Name of Action or Project: <i>Land Purchase / Home Build</i>			
Project Location (describe, and attach a location map): <i>Part of 2196 Grover Road</i>			
Brief Description of Proposed Action: <i>Side Yard Variance to 10' from South to north</i>			
Name of Applicant or Sponsor: <i>Thomas A. Molenda</i>		Telephone: <i>-</i>	
		E-Mail: <i>TOM</i>	
Address: <i>2191 Grover Road</i>			
City/PO: <i>West Falls</i>		State: <i>NY</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.			NO <input type="checkbox"/>
			YES <input checked="" 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:			NO <input type="checkbox"/>
<i>Building Dept Town of Aurora / Variance</i>			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<i>1.010</i> acres	
b. Total acreage to be physically disturbed?		<i>NONE</i> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<i>1.010</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			

77
YA 400. Com

<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>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<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>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<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>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <u>Thomas A. Molenda</u> Date: <u>11/13/17</u></p> <p>Signature: <u></u></p>		

Tom Molenda AAF Georgina Moynihan
part of 2196 Grover Rd WF 14170

200-00-4-34.111



Timothy & Susan Lamb 2166 Grover Rd WF 14170

Donald & Marsha Welshans 2174 Grover Rd WF

Sean & Kimberly Pierce 2216 Grover Rd WF

Earl & Barbara Jann 2220 Grover Rd WF

Paul & Mary Lynn Kielich 2181 Grover Rd WF

Tom & Julie Molenda 2191 Grover Rd WF (Applicants)

Brian Conwell 2217 Grover Rd WF



CASE NO. 1313

DATE OF HEARING 12-21-17

Town of Aurora Zoning Board of Appeals
300 Glead 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 JOSEPH V. PARLATO JR.
Address 2029 BOIES ROAD (PO BOX 107 West Falls)
City WEST FALLS State NY ZIP 14170
Phone 716- mail AK .COM
Interest in the 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 2029 BOIES ROAD WEST FALLS, NY 14170
SBL# 200.00-4-16.2
Property size in acres 2.14 Property Frontage in feet 200
Zoning District RR + A Surrounding Zoning RR + A
Current Use of Property RESIDENTIAL

IV. REQUEST DETAIL

(check all that apply)

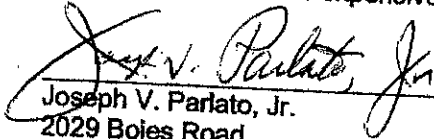
Variance from Ordinance Section(s) # _____
 Special Use Permit for: _____
 Use Variance for: _____
 Interpretation of _____

PETITIONER'S LETTER OF INTENT

Please describe in detail the proposed project, reason the variance and/or special use permit is being requested and any additional information that may be helpful to the Zoning Board of Appeals in deciding this appeal: (attach additional pages if needed)

Letter of Intent

I am hereby requesting approval of this application for a storage accessory structure in the rear of my back yard. I have only a partial basement and storage of lawn furniture and garden statues is very difficult. The structure is shown on the attached drawing and will be tasteful. I need approval because of the height (19') feet. I am disabled and suffer a broken inoperable neck and constant i.e. annual removal of lawn furniture to off site storage facilities is expensive and cumbersome. I respectfully request that you approve my application.


Joseph V. Parlato, Jr.
2029 Boies Road
West Falls, NY 14170

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)

SUPERVISOR
James J. Bach
(716) 652-7590
jbach@townofaurora.com



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

TOWN OF AURORA
Southside Municipal Center
300 Glead Avenue, East Aurora, NY 14052
www.townofaurora.com

10/24/2017

TOWN COUNCIL MEMBERS
Susan A. Friess
sfriess@townofaurora.com

Jeffrey T. Harris
jharris@townofaurora.com

Jolene M. Jeffe
jjeffe@townofaurora.com

Charles D. Snyder
csnyder@townofaurora.com

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

SUPT. OF BUILDING
Patrick J. Blizniak
(716) 652-7591
building@townofaurora.com

ASSESSOR
Richard L. Dean
assessor@townofaurora.com
(716) 652-0011

DIR. OF RECREATION
Christopher Musshafen
(716) 652-8866
chris@townofaurora.com

TOWN ATTORNEY
Ronald P. Bennett

TOWN JUSTICE
Jeffrey P. Markello
Anthony DiFilippo IV

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

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

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

Joseph Palato
2029 Boies Rd.
West Falls, N.Y. 14170

Re: Height variance for an accessory building.

Mr. Palato,

The Building Dept. has reviewed your application to build an accessory building at 2029 Boies Rd..

We have denied your application because you fail to meet the requirements as stipulated by the Town of Aurora Code §116.8.4-B2

§116.8.4-B2:Required: Accessory buildings not over 15' to the mean height

Requested: mean height of 19'.

Variance required: 4' in mean height

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.

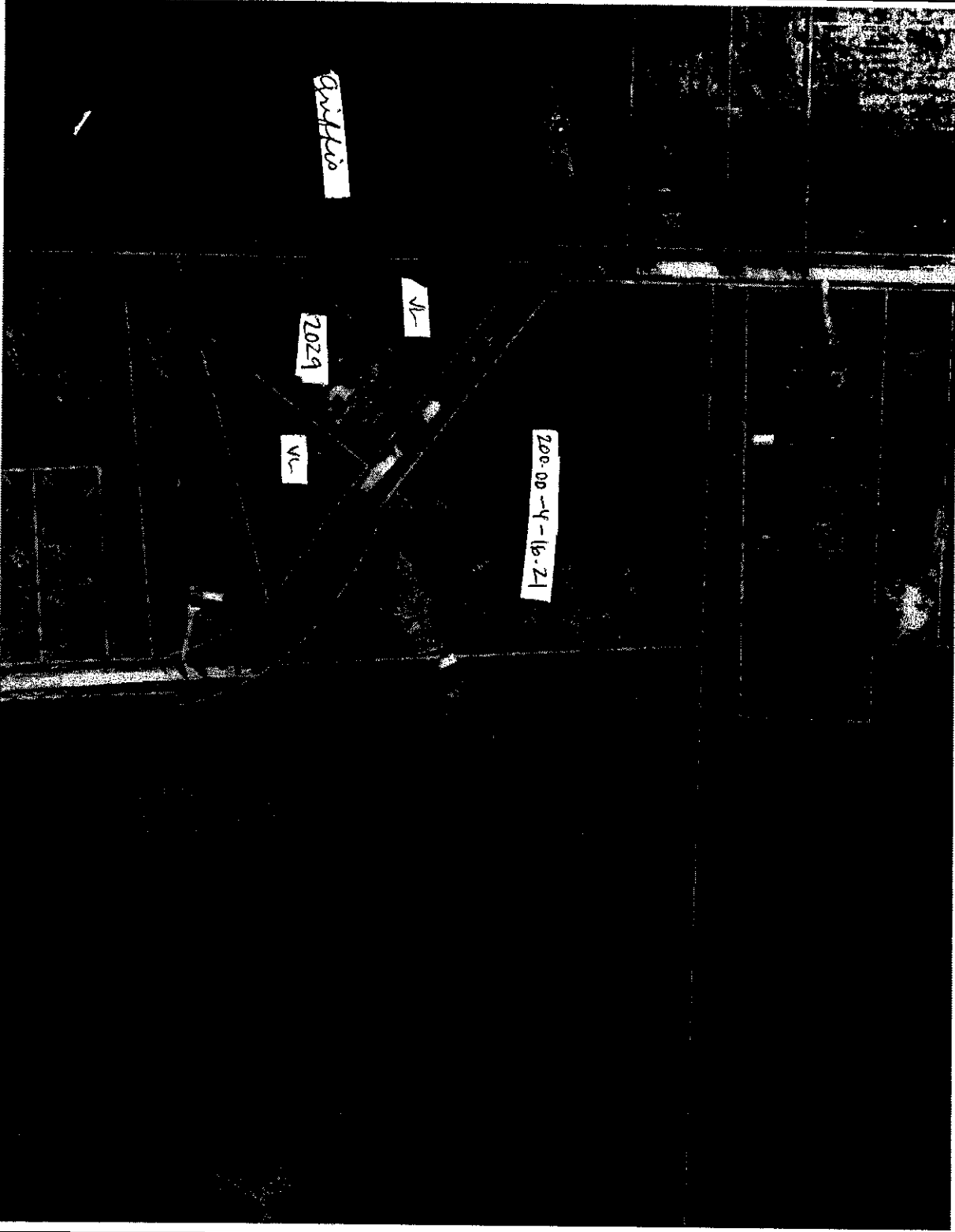
Patrick Blizniak

A handwritten signature in black ink, appearing to read "Patrick Blizniak".

Superintendent of Building



Erie County On-Line Mapping Application



0 376.17 752.3 Feet
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.

Joseph V. Parkley Jr
2029 Geneva Rd
SRA: 200-00-4-16-22
Mailing:
232 Unwood Ave
Buffalo 14209

- Legend**
- Parcels
 - Municipal Boundaries

Joseph V. Parkley Jr
2081 Grove Rd
Mailing:
232 Unwood Ave
Buffalo 14209

Joseph V. Parkley Jr
SRA 200-00-4-16-21
VL SRA
Mailing above
Jessef Angler Griffiths
505 Ridge Ave
CA NY 14052

1: 4,514

Survey Statement

(S1) A survey not shown to have been based on the Original Survey, is incorporated in determining boundaries. The Surveyor did, to relocate the best evidence obtainable the courses and lines at the same place where the HOLLAND LAND COMPANY originally surveyed.

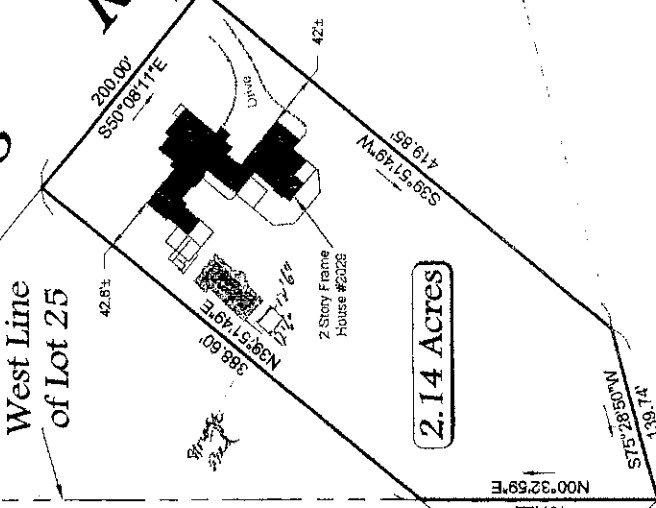
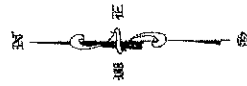
(S2) Farmers fences are NOT based on title, old occupied, farmers fence lines subsequently surveyed and recorded into perpetuity don't always satisfy title requirements.

(S3) Using Aerial Photographs to locate physical evidence and using original survey monuments and marks is the only way a Licensed Land Surveyor can Relocate the Holland Land Company's surveys.

Boies
West Line
of Lot 25

Road

2.14 ACRES



1342.00' from the
Southwest Corner
of Lot 25
92.48' m
187.22' N00°32'59"E
100.0' N00°32'59"E
138.60' N89°57'49"E
479.85' S89°57'49"W
42°S

Copyright Information

(1) This Survey is Published in every effort color, Any Black and White reproduction is not a valid copy from Freeman and Freeman Land Surveyors.

Reference Data

(R1) Maps and notes from the Holland Land Company Survey.

Statement of Encroachments

No encroachments were noted or surveyed to in the original field survey.

Miscellaneous Notes

- (M1)** Some features shown on this plan may be shown out of scale for clarity.
- (M2)** Chains are shown and for utility lines, any or may not be shown because they are not shown to be in the same line as the utility lines shown.
- (M3)** Unsubstantiated Allegations of Addition to this Survey Map is a Violation of Section 729 Paragraph 2 of the New York State Education Law.
- (M4)** This Survey was prepared without the benefit of an up-to-date assessment of title and is subject to any state of facts that may be revealed by an examination of title.
- (M5)** THIS MAP IS NOT VALID WITH AFFIDAVIT OF NO CHANGE

Legend of Symbols & Abbreviations

- IP / Method
 - Power Pole
 - Light Pole
 - Traffic Signal Box
 - ▲ Storm Inlet
 - ✱ Fire Hydrant
 - ⊙ Well
 - ⊕ Sewer Manhole
 - ⊖ Sign
- North
South
East
West
Diagonal
In, or Out
Rec. Measured
L.S. Laid Out
Page
Corners
- Property Boundary
Line of Survey
Line of Right
Modern Land Co. Lot Line
Road Centerline
Fence Along Line
- Employment
R/W
Right-of-way
Centerline
Individual
Owner
N/A None or Farmery
One Chain = 660 Ft.
One Mile = 3200000 Ft.
One Acre = 43560.0 Sqr. Ft.

Survey

Being Part of
Lot 25 Township 9 Range 6
Holland Land Company Survey
Town of Anzora
Essex County, New York

Being Part of
Township 9
Range 6
Essex County, New York

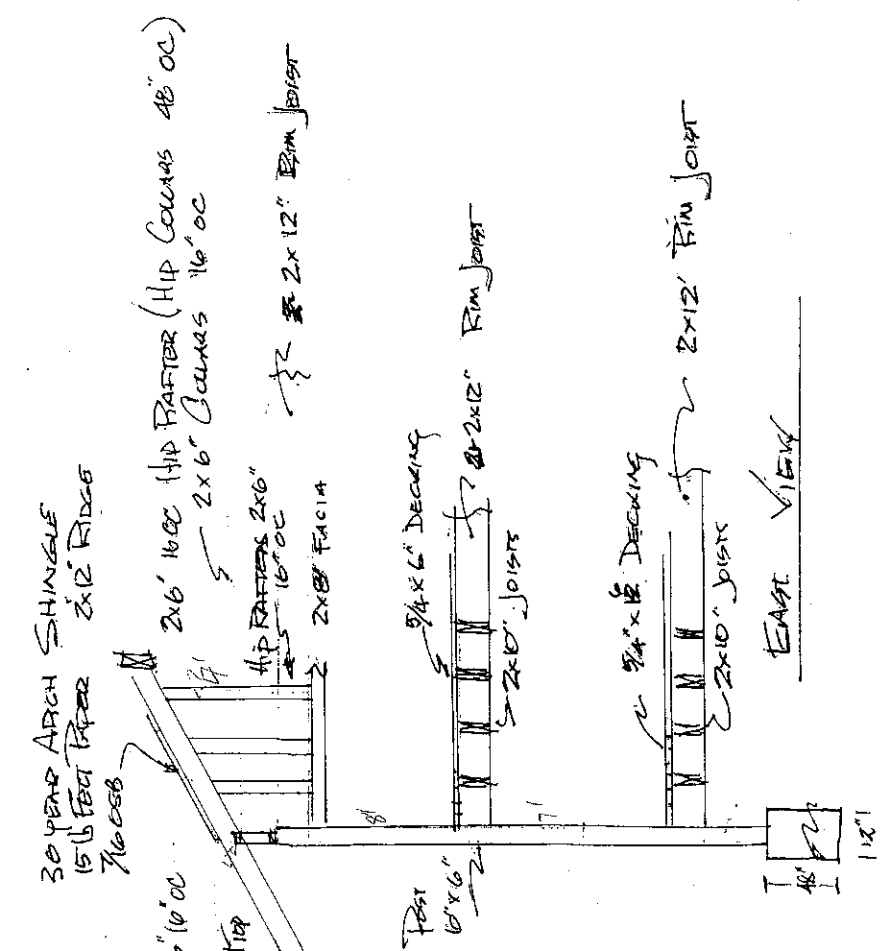
This certification does not warrant to subsequent owners, purchasers, or mortgagees that this survey has been conducted by the surveyor named herein. This certification is not valid if the fee for said certification is not paid.

[Signature]

Survey Prepared By:
Freeman and Freeman
Licensed Surveyor No. 050480
State of New York
Date of Survey: August 31, 2015
Date of Last Revision:
Drawing Scale: 1" = 100'
Freeman & Freeman, Job No. 8170-Ho
Freeman and Freeman Copyright © 2015

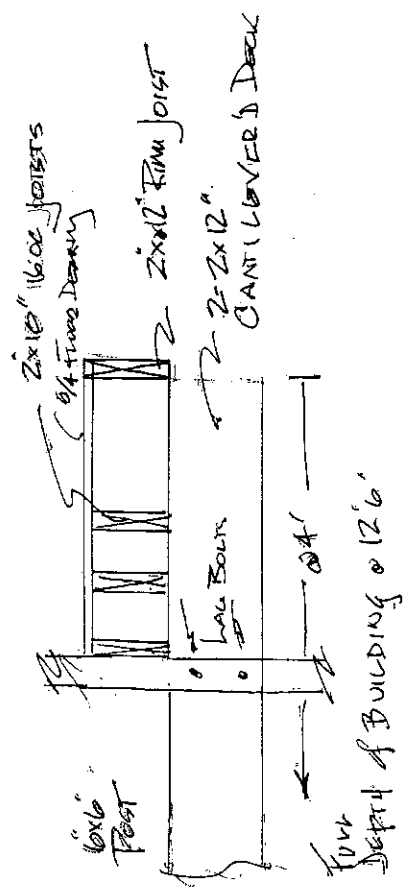
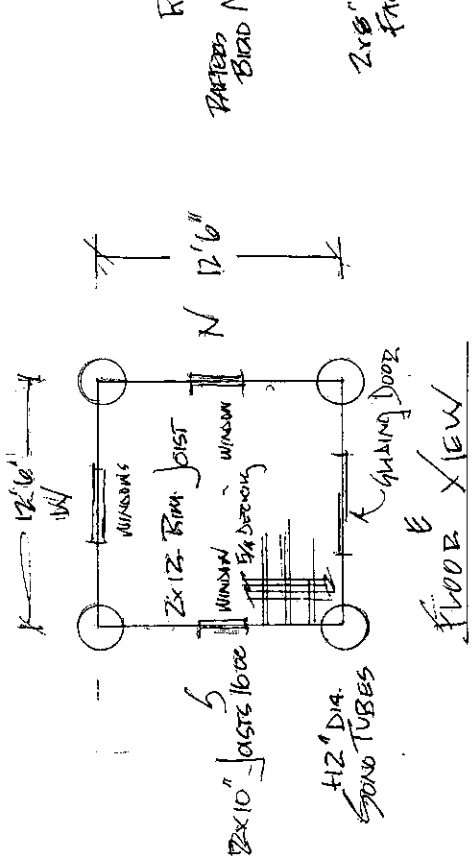


Freeman and Freeman Land Surveyors
Surveying the Holland Land Company for the 21st Century
10432 Clump Road, Park (716) 592-4007
Phone: (716) 592-7740 Fax: (716) 592-4007



- STRUCTURE CONSTRUCTION DETAIL
- TRUSS BAY CONSTRUCTION
- 6x6 Posts w/ 2x12 Rim Joists Lapped to Posts
 - 2x10 Floor Joists @ 16" OC. w/ Kneecap Bracing
 - Wall Framing 2x4 @ 16" OC Set on Decking
 - Window Headers 2x12
 - Hip Post w/ 2' overhangs @ 9/12 Pitch

- EXTERIOR
- 3/8" OSB SHEATHING
 - Hardy Cement Board
 - 30 Year Arch Roof Shingles



CANTILEVER DETAIL

October 2017
 Required

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			
<i>ACCESSORY BUILDING - STORAGE</i>			
Name of Action or Project:			
Project Location (describe, and attach a location map):			
<i>2029 BOIES ROAD --- WEST FALLS, N.Y 14170</i>			
Brief Description of Proposed Action:			
<i>CONSTRUCTION OF 2 STORY STORAGE BUILDING 12'6" X 12'6" - 19' TALL TOTAL SQ FEET: 156</i>			
Name of Applicant or Sponsor:		Telephone: _____	
<i>JOSEPH V. PARLATO, JR.</i>		E-Mail: <i>AA</i>	
Address:			
<i>2029 BOIES ROAD</i>			
City/PO:		State:	Zip Code:
<i>WEST FALLS, N.Y</i>		<i>N.Y</i>	<i>14170</i>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
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.			YES
<input checked="" type="checkbox"/> <input type="checkbox"/>			<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?			NO
If Yes, list agency(s) name and permit or approval:			YES
<input checked="" type="checkbox"/> <input type="checkbox"/>			<input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 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			

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)? If Yes, explain purpose and size: _____ _____	NO <input checked="" type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: JOSEPH V. PARLATO JR Date: 11 / 12017
 Signature: *Joseph V. Parlato, Jr.*



CASE NO. 1314

DATE OF HEARING 12-21-17

Town of Aurora Zoning Board of Appeals
300 Gleed 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 Grey Gleed
Address 1450 Gleed Road
City South Wales NY 14139 State NY ZIP 14139
Phone 716 4
Interest in the pr Grey DNB Fire & Electronic.com

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 1450 Gleed Rd
SBL# 188.06-4-24
Property size in acres 3 Property Frontage in feet _____
Zoning District Town of Aurora Surrounding Zoning _____
Current Use of Property RR Residential Rural & Agriculture

IV. REQUEST DETAIL

(check all that apply)

Variance from Ordinance Section(s) # _____
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)

[Handwritten Signature]

Signature of Applicant/Petitioner

Craig Reed

Print name of Applicant/Petitioner

State of New York; County of Erie

On the 22nd day of November in the year 2017 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.

[Handwritten Signature]

Notary Public

SHERYL A. MILLER
Reg. #01M16128663
Notary Public, State of New York
Qualified in Erie County
Commission Expires June 13, 2021

(Notary stamp)

Office Use Only: Date received: 11/22/17 Receipt #: 229047

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)

Example Why?

SEE ATTACHED

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)

SUPERVISOR
JAMES BACH
(716) 652-7590
jbach@townofaurora.com



TOWN CLERK
MARTHA L. LIBROCK
(716) 652-3280
townclerk@townofaurora.com

TOWN OF AURORA
5 South Grove Street, East Aurora, NY 14052
www.townofaurora.com

Greg Shepard
1450 Olean Rd.
South Wales, NY 14139

11/27/2017

Re: Side yard setback 1450 Olean Rd.

Greg,

The Building Dept has discussed with you the required setbacks for 1450 Olean Rd. Based on your desired addition size and location you have been advised to apply to the Zoning Board of Appeals for an area variance because your proposal fails to meet the requirements as stipulated by the Town of Aurora Zoning Code.

Section 116-8.4F(1)
Required: Side yard of any main building at least 20'.
Requested side yard: 7.0'
Variance required: 13'

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

Greg and Tina Shepard
1450 Olean Road
South Wales, NY. 14139

Town of Aurora Board of Appeals
300 Gleed Avenue
East Aurora, NY. 14052

RE: Variance request concerning a 7' Residential Setbacks

ZBA,

This is concerning a request to have a 7' RR-Rural Residential Setback to my neighbor's property and is as follows:

- The question is asked will there be an undesirable change to the neighbor in this request?
 - The answer is no – it will be a natural flow to the property along with the Shed that already passed the City for its Variance. (See attached Drawings / Pictures.)
- The question is asked has the applicant sought another way instead of the variance?
 - The answer is yes but the cost to purchase the Amount of Property would be cost prohibitive to the applicant.
- The question is asked whether the request for the area variance is substantial?
 - The answer is no because the difference in footage to what it used to be – is the same.
 - Also, there is a gas line that is going to be installed on the property next to the applicant – 25' to 30' away and you cannot build on that property anyways.
- The question is asked will there be an adverse effect on the environment and or neighborhood?
 - The answer is there would be no change
- The question is asked – was this self-created?
 - The answer was yes – I made the mistake and started building before I knew where the neighbor's property line was. (The neighbor has ok'd the sale of the minimum needed to bring the property line to the same distance as before.)

Greg Shepard





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>Grey Shepard</i>			
Project Location (describe, and attach a location map): <i>20 x 40 Addition</i>			
Project Location (describe, and attach a location map): <i>1450 Olean Rd South Wales NY 14139</i>			
Brief Description of Proposed Action: <i>20 x 40 Addition</i>			
Name of Applicant or Sponsor: <i>Grey Shepard</i>		Telephone: <i>518</i>	<i>see e-mail @eric.com</i>
		E-Mail: <i>Gr</i>	
Address: <i>1450 Olean Rd South Wales NY</i>			
City/PO: <i>South Wales</i>	State: <i>NY</i>	Zip Code: <i>14139</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 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: <i>Town of Avoca</i>			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<i>3</i> acres	
b. Total acreage to be physically disturbed?		<i>1021</i> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<i>1018</i> acres	
4. Check all land uses that occur on, adjoining and 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			

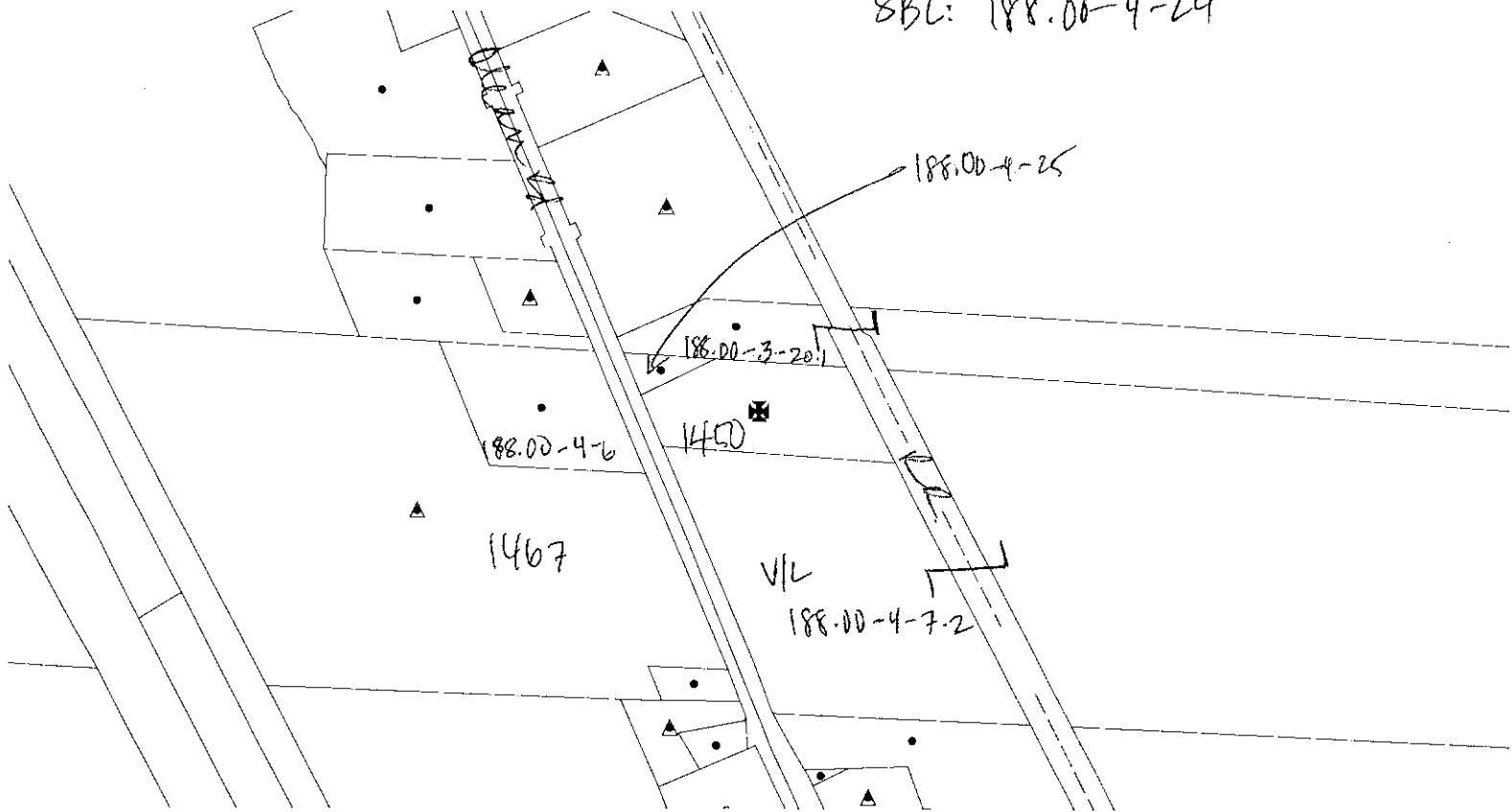
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
19. Has the 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 <input checked="" type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>Greg Shepard</u> Date: <u>11-21-17</u> Signature: <u>[Signature]</u>		

Gregory & Tina Shepard

1450 Olean Rd

Swales 14139

SBL: 188.00-4-24



1467 Olean Rd:

Thomas Holmes 4E c/o Jean Tim 840 Maple Rd EA 14052

Debra & Ross Thompson 4226 Reiter Rd EA 14052

V/L Olean SBL 188.00-4-7.2:

Ross & Debra Thompson 4226 Reiter Rd EA 14052

E-MY State Elec & Gas V/L 188.00-4-6, 188.00-4-25, 188.00-3-20.1

c/o Avangrid Mgt Co Local Tax

One City Center, Fl 5

Portland ME, 04101



CASE NO. 1255-R

DATE OF HEARING 12/21/17

Town of Aurora Zoning Board of Appeals
300 Glead 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 Green Kang
Address 1800 Reading Rd
City West Falls State NY ZIP 14170
Phone _____ Fax _____ Email _____
Interest in the property (ex: owner/purchaser/developer) _____

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

Property Owner(s) Name(s) _____
Address _____
City _____ State _____ ZIP _____
Phone _____ Fax _____ Email _____

III. PROPERTY INFORMATION

Property Address 1800 Reading Rd
SBL# 199 00-3-30.122
Property size in acres .14Ac Property Frontage in feet 165'
Zoning District RR-A Surrounding Zoning RR-A
Current Use of Property Residential

IV. REQUEST DETAIL

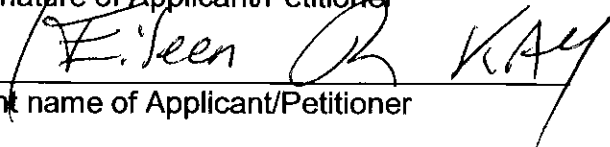
(check all that apply)

Variance from Ordinance Section(s) # _____
 Special Use Permit for: Kennel for 4 adult dogs
 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)



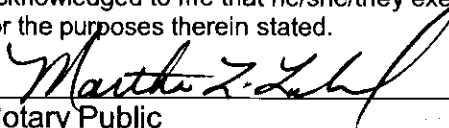
Signature of Applicant/Petitioner



Print name of Applicant/Petitioner

State of New York; County of Erie

On the 18 day of ~~OCTOBER~~ in the year 2017 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.



Notary Public

MARTHA L. LIBROCK
Notary Public, State of New York
No. 01LI5028312
Qualified in Erie County
My Commission Expires May 31, 2018

(Notary stamp)

Office Use Only: Date received: _____ Receipt #: _____

Application reviewed by: _____

ECDP ZR-1 form sent to EC: _____ Hearing publication date: _____

PREVIOUS APPEAL(S):

A previous appeal to the Zoning Board of Appeals () has () has not been made with respect to this property.

Previous appeals:

Date: _____ Type of Appeal: _____ Granted _____ Denied _____

Date: _____ Type of Appeal: _____ Granted _____ Denied _____

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			
Kennel PERMIT FOR 4 th dog			
Name of Action or Project:			
CASE # 1279			
Project Location (describe, and attach a location map):			
1800 READING ROAD			
Brief Description of Proposed Action:			
Kennel permit - We have 4 dogs - They are family pets. There is <u>no</u> breeding or boarding of dogs. Our dogs are always fenced in. THE TERM "KENNEL" IS NOT APPROPRIATE FOR			
Name of Applicant or Sponsor:		Telephone: 716	
Don + Eileen KAY		E-Mail:	
Address:			
1800 READING ROAD			
City/PO:		State:	Zip Code:
WEST FALLS		NY	14170
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
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.			YES
<input checked="" type="checkbox"/> <input type="checkbox"/>			<input checked="" type="checkbox"/> <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?			NO
If Yes, list agency(s) name and permit or approval:			YES
<input checked="" type="checkbox"/> <input type="checkbox"/>			<input checked="" type="checkbox"/> <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? 1 3/4 acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 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			

FOR WHAT WE ARE DOING

<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>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<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>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<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>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: <u>Eileen O. Kay</u></p> <p>Signature: _____</p>	<p>Date: <u>10/17/2017</u></p>	

Eileen O. Kay

(ZONING BOARD OF APPEALS
TOWN OF AURORA
DECISION

RE: APPEAL NO. 1255

A hearing on the above Application of Don and Eileen Kay, Petitioners, having been called before the Zoning Board of Appeals in the Southside Municipal Center 300 Gleed Street, East Aurora, New York on the 19th day of November, 2015 at 7:00 p.m. After due notice published in the East Aurora Advertiser as prescribed in Section 267-a, Subdivision 7 of the Town Law and Section 116-61 F of the Code of the Town of Aurora, a public hearing was held at said time and place.

There were present:

Wayne Nowocin
James W. Whitcomb
Albert Salter
Donald Aubrecht
Davis Heussler

At the hearing on November 19, 2015, the Secretary read the Notice of Public Hearing and the Affidavit of Publication which were duly marked as exhibits herein. Exhibits 1 and 2.

Petitioners seek a Special Use Permit (the "Permit") to keep up to four dogs at 1800 Reading Road, SBL# 199.00-3-30.122 in an A zone (the "Premises").

Petitioners appeared.

No one else appeared.

At a duly convened meeting held on the 19th day of November, 2015 and after said public meeting, the Zoning Board of Appeals finds as follows:

Findings

1. This is an Unlisted action pursuant to Article 8 of New York State Environmental Conservation Law and the regulations promulgated thereunder, Part 617 of Title 6 of the New York Code of Rules and Regulations (SEQR) and the Board has issued a negative declaration pursuant to SEQR based upon the findings set forth in that negative declaration.

2. Petitioners have applied to keep four dogs at the Premises, all four of which will be kept as personal dogs. The Petitioners will keep the dogs in a fenced in area on the Premises. Exhibit 4. All the dogs will be licensed.
3. All dog waste is and will be disposed of by Petitioners in the trash.
4. The Board also finds that the Permit need not be reviewed unless a complaint is received regarding the dogs kept at the Premises.
5. A Special Use Permit allows land uses on such requirements as to assure that the proposed use is in harmony with our zoning ordinances and will not adversely affect the neighborhood if such requirements are met. Applying the foregoing, the Board finds that the Special Use Permit is in harmony the Town Zoning Ordinances and will not adversely affect the neighborhood.

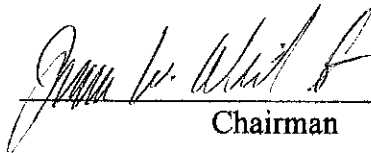
After due deliberation by the Zoning Board of Appeals of the Town of Aurora, County of Erie, and State of New York, the following motion was made by Wayne Nowocin and seconded by Albert Salter to grant the Petitioners a Special Use Permit to harbor four (4) adult dogs (defined as six months of age or older) at the Premises:

On a roll call, the vote was

Davis Heussler	Aye
Wayne Nowocin	Aye
Albert Salter	Aye
James Whitcomb	Aye
Donald Aubrecht	Aye

RESOLVED, that the Special Use Permit applied for by Petitioners Don and Eileen in their Application No. 1255 be and hereby is granted.

Dated: East Aurora, New York
November 19, 2015


Chairman

STATE ENVIRONMENTAL QUALITY REVIEW ACT
DETERMINATION OF SIGNIFICANCE

This notice is issued by the Zoning Board of Appeals of the Town of Aurora (“Board”), acting as lead agency, in an environmental impact review, pursuant to and in accordance with Article 8 of the New York State Environmental Conservation Law and the regulations promulgated under Article 8 and set forth at Part 617 of Title 6 of the New York Code of Rules and Regulations (collectively referred to as “SEQRA”).

The Board has determined that granting Petitioners Don and Eileen Kay a special use permit to allow up to four dogs at SBL # 199.00-3-30.122 in an A zone (the “Project”) will not have a significant adverse impact upon the environment and that a negative declaration pursuant to SEQRA may be issued. Reasons supporting this determination are fully explained below.

Project Name: Special Use Permit to Allow the Keeping of Four Dogs

SEQR Status: Unlisted

Project Description: Petitioners intend to keep four dogs at the Premises.

Location: Town of Aurora, County of Erie, State of New York SBL# 199.00-3-30.122 (“the Premises”).

Reasons Supporting This Determination:

1. The Board as Lead Agency conducting a review has considered the full scope of the Project.
2. Petitioners reside with their three dogs on the Premises and intend to acquire an additional dog. The Board finds that having four dogs on the Premises will not have a significant impact upon the surrounding neighborhood or alter the essential character of the existing neighborhood. The Project is not in conflict with the Town’s current plans or goals.
3. The Premises is not used by the community as open space or recreation areas.
4. There will be no air emissions from the Project.
5. The Project will not substantially affect water discharges from the Proposed Site.
6. The Project will generate solid waste which the Petitioners will properly dispose of. The Project will not generate any hazardous waste.
7. The Petitioners keep their dogs in a fenced in area in the rear yard of the Premises that while visible will not create any visual impacts. As such, the Project will not significantly alter the visual and/or aesthetic resources in the area of the Proposed Site

and will not have a significant adverse visual impact upon the scenic quality of the landscape.

8. The Project will not result in the removal of any vegetation at the Proposed Site and will not affect plants and animals in and around the Proposed Site.
9. The Project is not substantially contiguous to, nor does it contain, a building, site or district listed on the State or National Registers of Historic Places, and thus will not have an adverse impact upon historic or archeological resources.
10. There are no anticipated changes in traffic flow to and from the Proposed Site as a result of the Project.
11. The Project will not generate any unpleasant noise or odors.
12. There will be no adverse environmental impacts as a result of the Project.

For Further Information Contact: Zoning Board of Appeals
Town of Aurora
Town Hall
5 South Grove Street
East Aurora, New York 14052
Attn: Patrick Blizniak,
Chief Building Inspector

AuroraZBA\KaysNegDec



CASE NO. 1285-A

DATE OF HEARING 12-21-17

Town of Aurora Zoning Board of Appeals
300 Gleed 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 Harry O'Malley
Address 402 Mill Road
City East Aurora State NY ZIP 14052
Phone 31 Email harry
Interest in purchaser/developer) owner .com

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 1355 Grover Road, East Aurora, NY 14052
SBL# _____
Property size in acres 1.237 ± (incl. highway) Property Frontage in feet 483
Zoning District _____ Surrounding Zoning _____
Current Use of Property Building a Home

IV. REQUEST DETAIL (see attached letter)

(check all that apply)

Variance from Ordinance Section(s) # _____
 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)

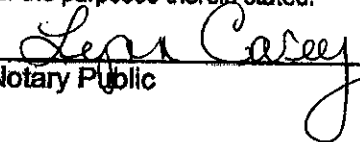


Signature of Applicant/Petitioner
Harry O'Malley

Print name of Applicant/Petitioner

State of New York; County of Erie

On the 7 day of December in the year 2017 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.



Notary Public

(Notary stamp)

LYNN CAREY
Notary Public - State of New York
No 01CA6324001
Qualified in Erie County
My Commission Expires April 27, 2019

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: 9/15/16 Type of Appeal: Area Var.

Granted Denied 17' Rear Yard Setback

Date: _____ Type of Appeal: _____

Granted _____ Denied _____

Explanation Supporting our Request for an Amendment to our Building Variance at 1355 Grover Road

To Whom it May Concern:

My wife and I are building a house at 1355 Grover Road. We had previously applied for and were granted a 17 foot variance to the rear yard requirement, decreasing that requirement from 50 feet to 33 feet. Our foundation has been finished and we have applied for our building permit. The permit was denied as a result of the fact that Superintendent of Buildings Pat Blizniak has determined that the rear setback is 29.3 feet instead of the required 33 feet.

in short, we are requesting an amendment to our original variance of 17 feet and asking that that be increased to 21 feet, decreasing the rear setback requirement to 29 feet so that our setback of 29.3 would be in compliance.

The purpose of this letter is to explain why the previously agreed on setback was not produced and why we think this amendment is reasonable.

We were under the impression that the rear set back was to be measured on a line perpendicular to the street instead of perpendicular to the rear yard (which is slanted). Measuring this way (perpendicular to the street) is common practice in many areas of the country and state and it is the method we assumed would be used. If measured in this way, the rear setback requirement is met. Unfortunately for us that is not the method used in the Town of Aurora. We are hopeful that this minor error will be met with understanding and that an additional 4 feet will be added to our variance so that we can proceed with our build.

Thank you,

Harry O'Malley
402 Mill Road
East Aurora, NY 14052
317-507-2493

ZONING BOARD OF APPEALS

TOWN OF AURORA

DECISION

R.E. APPEAL NO. 1285

A hearing on the above Application of Harry O'Malley, as agent for Camp Longacres, Inc. petitioner having been called before the Zoning Board of Appeals per the Code of the Town of Aurora, in the Town Hall Auditorium, 300 Glead Avenue, on the 15th day of September, 2016, after due notice published in the East Aurora Advertiser as prescribed in Section 267-a, Subdivision 7 of the Town Law and Section 116-61 F of the Code of the Town of Aurora, was held at said time and place.

There were present:

Davis Heussler
Albert Salter
Wayne Nowocin
Rod Simeon
Donald Aubrecht

The Secretary read the Notice of Public Hearing and the Affidavit of Publication, which were duly marked as exhibits herein.

Petitioner seeks a rear yard setback variance to permit the construction of a residence on Grover Road, SBL # 186.00-2-18: in an A Zone (the "Premises").

Harry O'Malley and Thomas Welch, builder appeared.

No one else appeared.

The petitioner wishes to construct a new residence on an irregular shaped, triangular lot with one side a 204.89-foot length and an approximately perpendicular side of 462.0-foot length. The approximate hypotenuse is

bordered by Grover Road (See Exhibit 12). The proposed craftsman styled house is approximately 47 feet by 44 feet in plan (See Exhibit 8). The proposed positioning of the house on the lot is indicated in Exhibit 9.

At a duly convened meeting held on the 15th day of September, 2016, and after said public meeting the Zoning Board of Appeals finds as follows:

FINDINGS

This is Type II action pursuant to Article 8 of New York State Environmental Conservation Law and the regulations promulgated there under Part 617 of Title 6 of the New York Code of Rules and Regulations (SEQR).

Petitioner seeks to construct a new residence with a front yard setback of 45 feet and a rear yard setback of 35 feet. Residences are required to have a 75-foot front yard setback and a rear yard setback of 50 in the A District, pursuant to Town Code Paragraph 116-8. The site is a uniquely shaped site. The potential additional property to the west is encumbered with an easement for a gas line and it is steep sloped gradient, difficult to construct upon. The requested variances are significant.

Because the neighboring front yard setbacks are less than the required 75 Foot setback requirement (Table of District Regulations), Town Code Section 116-41 "Variation in yard requirements" permits a 45-foot front yard setback. (See Exhibit 6). The location of the proposed structure is practically the only readily constructible location and is similar to the front yard setbacks of several existing adjacent residences. Because of the gas line easement, the area to the west is not likely to be built upon. The adjacent property is all forested land, not another building lot.

Davis Heussler made a motion in Case # 1285 to grant the petitioner a rear yard setback variance of 17 feet.

Rod Simeon seconded the motion.

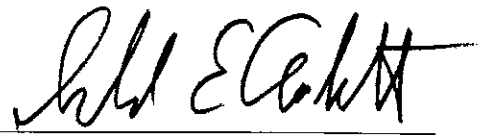
The vote was:

Al Salter	Aye
Wayne Nowocin	Aye
Davis Heussler	Aye
Rod Simeon	Aye
Donald Aubrecht	Aye

The motion carried.

RESOLVED, that the variance applied for by Harry O'Malley, as agent for Camp Longacres, Inc., petitioner, in the Application No. 1285 be and here is granted.

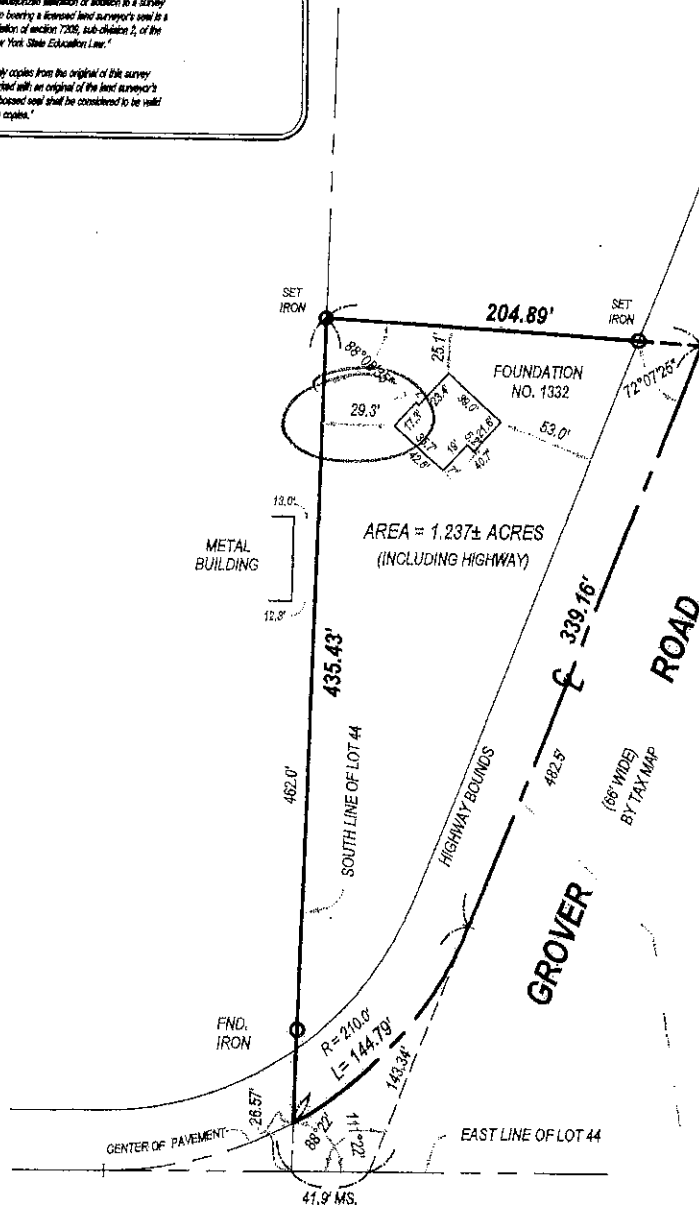
Dated: East Aurora, New York
September 15, 2016



Donald E Aubrecht
Acting Chairman

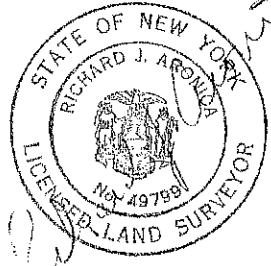
"Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 1705, sub-division 2, of the New York State Education Law."

"Only copies from the original of this survey marked with an original of the land surveyor's embossed seal shall be considered to be valid true copies."



SURVEY OF:
PART OF LOT 44, T.9 - R.6, H.L.C.S.
TOWN OF AURORA, ERIE COUNTY, N.Y.

SCALE: 1" = 80'
 DATE: AUGUST 26, 2016
 SEPTEMBER 12, 2016 PROPOSED HOUSE
 JULY 6, 2017 REVISED
 NOVEMBER 16, 2017 FOUNDATION LOCATION



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