



CASE NO. 1391  
DATE OF HEARING 9/16/2021

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 MIKE LUKASZEWSKI / Bammel Architects  
Address 6264 W. QUAKER ST.  
City ORCHARD PARK State NY ZIP 14127  
Phone 716-662-2182 Fax \_\_\_\_\_ Email ML@BAMMELARCHITECTS.COM  
Interest in the property (ex: owner/purchaser/developer) ARCHITECT

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

Property Owner(s) Name(s) PETER DUNLOP  
Address 1028 BIG TREE RD.  
City EAST AURORA State NY ZIP 14052  
Phone \_\_\_\_\_ Fax \_\_\_\_\_ Email P. [REDACTED]@TOWN.NET

#### III. PROPERTY INFORMATION

Property Address 1028 BIG TREE ROAD  
SBL# 165.18-4-2.11  
Property size in acres 4 Property Frontage in feet 310'  
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) # 116-8.4 E(4) & 116-18A(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 )

MIKE LUKASZEWSKI

Signature of Applicant/Petitioner

*Michael Lukasze*

Print name of Applicant/Petitioner

State of New York; County of Erie

On the <sup>5<sup>th</sup></sup> day of August in the year 2021 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.

*Martha L. Librock*

Notary Public

(Notary stamp)

MARTHA L. LIBROCK  
Notary Public, State of New York  
No. 01LI5028312  
Qualified in Erie County  
My Commission Expires May 31, 2022

Office Use Only: Date received: 8/5/21 Receipt #: 804993 <sup>2/100</sup> <sub>CM</sub>

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)

SITE CONSTRAINTS + TOPOGRAPHY RESULT IN THIS LOCATION BEING MOST LOGICAL.  
GARAGE WILL BE USED FOR SNOW REMOVAL EQUIPMENT AND MAINTENANCE EQUIPMENT. AND TRACTOR.  
GARAGE WILL BE SCREENED WITH SPRUCE / CONIFER TREES

**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  
www.townofaurora.com

**Zoning Board of Appeals  
Application  
Owner Authorization**


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

1028 BIG TREE ROAD, identified as Tax Map (SBL)# 165.18-4-2.11  
(address)

hereby authorizes MICHAEL LUKACZEWSKI to bring an application for ( ) area variance  
( ) special use permit ( ) use 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.

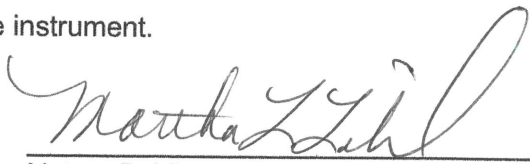
PETER DUNLOP  
Owner (print)

AUG 5, 2021  
Date

  
Owner (signature)

STATE OF NEW YORK )  
                                  ) SS  
COUNTY OF ERIE     )

On this 5<sup>th</sup> day of August, 2021, before me, the undersigned, a notary public in and for said state,  
personally appeared PETER DUNLOP, personally known to me on the basis of  
satisfactory evidence 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,  
executed the instrument.

  
Notary Public

MARTHA L. LIBROCK  
Notary Public, State of New York  
No. 01LI5028312  
Qualified in Erie County  
My Commission Expires May 31, 2027

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



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

## TOWN OF AURORA

Aurora Municipal Center  
575 Oakwood Avenue, East Aurora, NY 14052  
[www.townofaurora.com](http://www.townofaurora.com)

### TOWN COUNCIL MEMBERS

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

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

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

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DIR. OF RECREATION  
Christopher Musshafen  
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[chris@townofaurora.com](mailto: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](mailto:historian@townofaurora.com)

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

*This institution is  
an equal opportunity  
provider and  
employer*

August 6, 2021

Bammel Architects  
Attn: Michael Lukaszewski  
6264 W. Quaker Rd  
Orchard Park, NY 14127

RE: 1028 Big Tree Rd Zoning Board of Appeals Application

The Building Department has reviewed the submittal for an accessory building at 1028 Big Tree Rd. The request has been denied because it fails to meet the requirements of the Town of Aurora Code for the Rural Residential (RR) zoning district in which it is located.

Section 116-8.4E(4) and 116-18A(1)  
Required: No accessory building located in the front yard  
Requested: Relocate accessory building to the front yard  
Variance: Accessory building in the front yard

This letter serves as notice that we have received the application and fee for the Zoning Board of Appeals. You will receive notification from the Town Clerk with the date and time of the hearing next month. If you have any questions, please contact our office at 652-7591.

Sincerely,

A handwritten signature in black ink, appearing to read "Elizabeth Cassidy".

Elizabeth Cassidy  
Code Enforcement Officer

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

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

DO NOT WRITE IN THIS SPACE

Case No.: ZR-21-500

Received: 8/23/21

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** 9/16/2021      **Time** 7:00pm      **Location** 575 Oakwood Ave., E. Aurora

**3. Action is before:**       Legislative Body       Board of Appeals       Planning Board

**4. Action consists of:**       New Ordinance       Rezone/Map Change       Ordinance Amendment

Site Plan       Variance       Special Use Permit       Other

**5. Location of Property:**       Entire Municipality       Specific as follows 1028 Big Tree Rd., (aka: E. Main)

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**6. Referral required as Site is within 500' of:**       State or County Property/Institution       Municipal Boundary       Farm Operation located in an Agricultural District

Expressway       County Road       State Highway       Proposed State or County Road, Property, Building/Institution, Drainageway

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**7. Proposed change or use: (be specific)** Accessory building in front yard of residence not allowed by Aurora code.

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**8. Other remarks: (ID#, SBL#, etc.)** SBL#165.18-4-2.11

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**9. Submitted by:** Martha Librock, Town Clerk      08/23/2021

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 8/24/21. 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: *Sarah E. Gatti*      Date: 8/31/21

# 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.

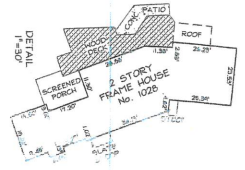
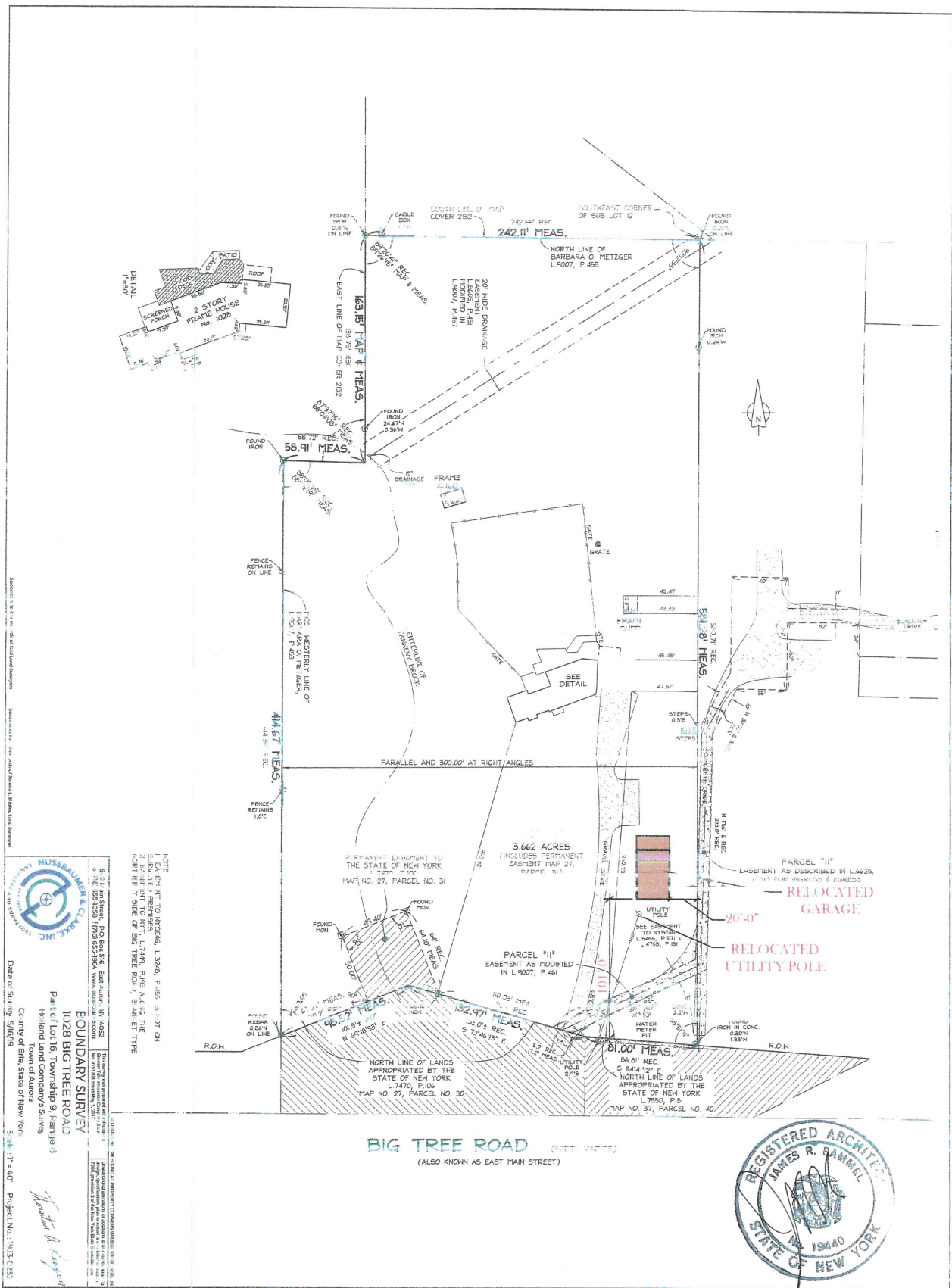
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Peter Dunlop Residence / Bammel Architects, PC			
Name of Action or Project: Relocated 2 car Garage with new single bay addition			
Project Location (describe, and attach a location map): 1028 Big Tree Rd			
Brief Description of Proposed Action: Relocate a 2 story garage and add a single bay. Size to be approximately 32'-0"X24'-0" Height to be 13'-6"			
Name of Applicant or Sponsor: Mike Lukaszewski, RA / Bammel Architects, PC		Telephone: 716-662-2482	
		E-Mail: ml@bammelarchitects.com	
Address: 6264 W. Quaker St			
City/PO: Orchard Park		State: New York	Zip Code: 14127
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 checked="" type="checkbox"/> YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		3.662 acres	
b. Total acreage to be physically disturbed?		0.017 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		6.01 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 type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other (specify): religious _____ <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO <input type="checkbox"/>	YES <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: _____		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO <input checked="" type="checkbox"/>	YES <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"/>
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: garage will be uninsulated and not heated		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ N/A garage		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ N/A garage		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
b. Is the proposed action located in an archeological sensitive area?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?		NO <input type="checkbox"/>	YES <input checked="" 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"/>
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100 year flood plain?		NO <input checked="" type="checkbox"/>	YES <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		NO <input checked="" type="checkbox"/>	YES <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"/> YES



<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><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>Mike Lukaszewski, RA Bammel Architects PC</u></p>	<p>Date: <u>Aug 4, 2021</u></p>	
<p>Signature: <u><i>Michael J. Jankovic</i></u></p>		

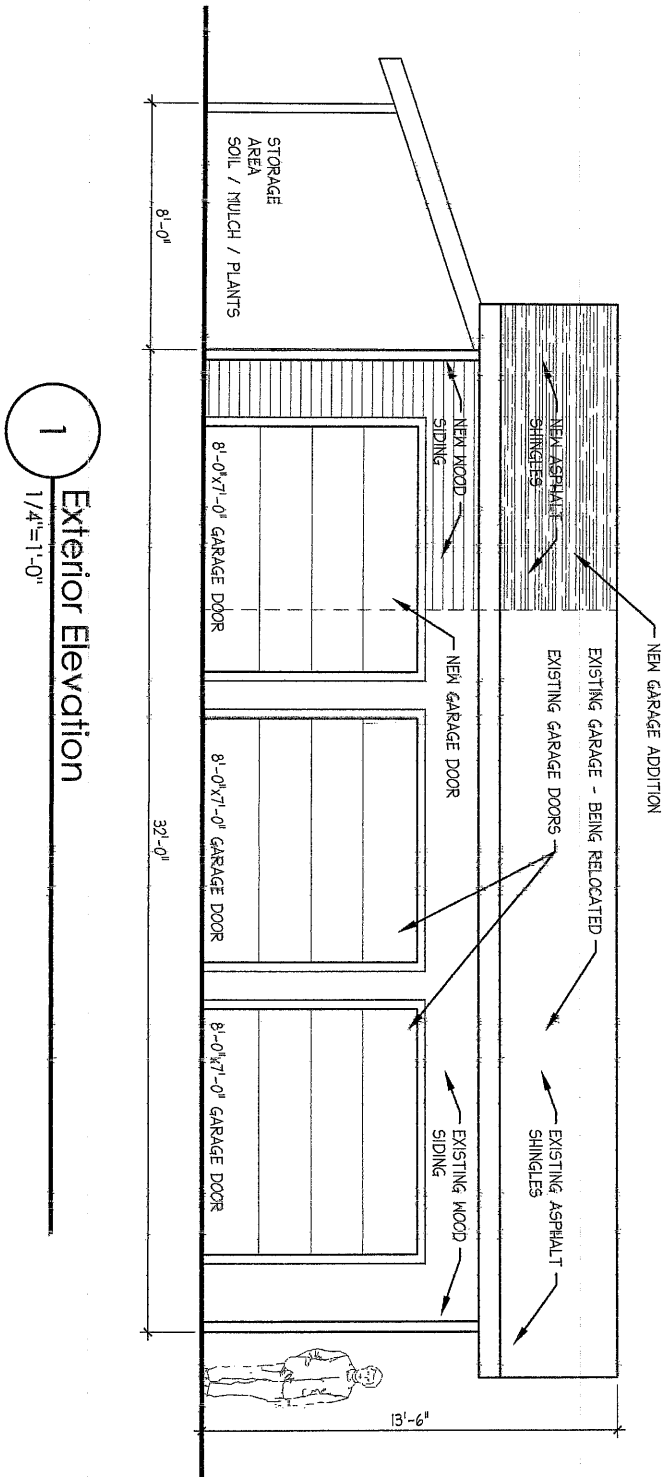


NOTE  
 1. ALL DIMENSIONS SHOWN ON THIS PLAT ARE TO THE CENTER OF THE LINE UNLESS OTHERWISE NOTED.  
 2. ALL DIMENSIONS TO NAT'L. LINES, PINS, A.K.A. THE  
 POINTS ARE TO THE SIDE OF THE TREE ROW, 1' B.W. THE TREE

**HUSSBAUMER & CLARK, INC.**  
 SURVEYORS  
 5 E. 3rd Street, P.O. Box 518, East Aurora, N.Y. 14054  
 3-16 555-1028 F 716-655-1924 FAX 716-655-1925  
 10288 BIG TREE ROAD  
 PART of Lot 16, Township 9, Range 5  
 Hilland Land Company's S-100  
 Town of Aurora  
 Co. City of Erie, State of New York  
 Date of Survey 5/16/19  
 S. 01' 17" = 40' Project No. 1915-C-25

**BIG TREE ROAD** (WITH VARIET)  
 (ALSO KNOWN AS EAST MAIN STREET)

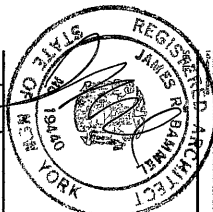




1

Exterior Elevation  
1/4" = 1'-0"

**BAMMEL ARCHITECTS**  
A PROFESSIONAL CORPORATION  
6244 WEST QUAKER STREET  
ORCHARD PARK, NY 14127  
Phone (716) 662-2482  
Fax (716) 662-2487



REVISIONS:

NO.	DATE	DESCRIPTION

PROJECT IDENTIFICATION:

**PETER DUNLOP**  
1028 BIG TREE ROAD  
EAST AURORA, NY 14052

DATE:	8/4/2021
PROJECT NUMBER:	2026
SCALE:	AS NOTED
DRAWN BY:	JL
CHECKED BY:	ALL
SHEET TITLE:	ELEVATION

DRAWING NO:  
**A-100**