



CASE NO. 1397

DATE OF HEARING 3.17.2022

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 William and Rebecca Heidt
Address 10 Ellis Drive
City West Falls State NY ZIP 14170
Phone (7 Fax _____ Email w
Interest in _____ (owner/purchaser/developer) 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 10 Ellis Drive, West Falls, NY 14170
SBL# 199.01-1-49.11
Property size in acres ~17.53 Property Frontage in feet 75.0
Zoning District A - Agricultural Surrounding Zoning A, R2, B2 and I
Current Use of Property Single Family Residence

IV. REQUEST DETAIL

(check all that apply)
 Variance from Ordinance Section(s) # 99-31.A (4) (a)
 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)

William A. Heidt
Signature of Applicant/Petitioner

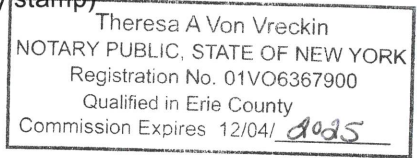
WILLIAM A. HEIDT
Print name of Applicant/Petitioner

State of New York; County of Erie

On the 9th day of February in the year 2022, 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.

Theresa A Von Vreckin
Notary Public

(Notary stamp)



Office Use Only: Date received: 2/14/22 Receipt #: 385623 ckt#126
Jan

Application reviewed by: _____

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

PREVIOUS APPEAL(S):

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

Previous appeals:

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

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

PETITIONER'S LETTER OF INTENT

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

We have an approved single lot ODA from 2014, which we are amending to relocate the house, as discussed with you last year. As part of the Town Boards Review they are requiring us to have the original driveway (constructed in 2015) be modified to meet the current (revised in 2017 and again in 2021) driveway requirements. The only requirement that we are not able to meet is for the bump-out requirement every 150ft. We are providing bump-outs at 380ft (existing drive), 530ft (new driveway) and 680ft (new driveway). The lot is fully wooded and we were selective in the trees and brush we removed when constructing the driveway the first time, and have since planted trees along the driveway, which have now been nurtured for up to 7 years.

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. Librock
(716) 652-3280
townclerk@townofaurora.com

TOWN OF AURORA

Aurora Municipal Center
575 Oakwood Avenue, East Aurora, NY 14052
www.townofaurora.com

TOWN COUNCIL MEMBERS

Charles D. Snyder
csnyder@townofaurora.com

February 14, 2022

Luke Wochensky
lwochensky@townofaurora.com

William & Rebecca Heidt
10 Ellis Dr
West Falls, NY 14170

James F. Granville
jgranville@townofaurora.com

Joseph M. McCann
jmccann@townofaurora.com

Mr. and Mrs. Heidt:

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

The Building Department has reviewed your request for an amended ODA at your previously approved ODA lot at 10 Ellis Dr. The request has been denied because it fails to meet the Town of Aurora Code for Open Development Area Supplementary Regulations.

CODE ENFORCEMENT
OFFICER
Elizabeth Cassidy
(716) 652-7591
building@townofaurora.com

Section 99-31A(4)(a) Supplementary regulations/minimum standards
Required: At every increment of 150 feet of access roadway length, there will be an additional vehicle pass-by bump-out measuring a minimum of 6' wide and 25 feet long.

ASSESSOR
Roger P. Pigeon
assessor@townofaurora.com
(716) 652-0011

Requested: Eliminate two required bump-outs along access roadway from Ellis Dr to the front building

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


Variance: Eliminate two bump-outs along access roadway between Ellis Dr and the front building

TOWN ATTORNEY
Brigid M. Maloney

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.

TOWN JUSTICE
Jeffrey P. Markello
Anthony DiFilippo IV

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

Sincerely,

Elizabeth Cassidy
Code Enforcement Officer

FAX: (716) 652-3507

TOWN OF AURORA

575 OAKWOOD AVENUE, EAST AURORA, NY 14052

BUILDING DEPARTMENT

(716) 652-7591

FAX (716) 652-3507

MEMO

TO: Jim Bach & Town Board Members
FROM: Don Owens, Chairman, Planning Board
DATE: February 3, 2022

=====

The following actions were taken at the February 2, 2022 meeting of the Planning & Conservation Board:

Laurie Kutina moved to recommend the Town Board approve the Open Development Area application at **10 Ellis Dr.** as proposed with the following considerations in response to GHD's comments:

1. Recommend the Town Board waive the vehicle pass-by bump-out requirement for the first 300' of the existing driveway because the existing turnaround as well as the proposed additional turnarounds in the driveway extension meet the intention of the requirement
2. Changes to SEAF Part 1 question #2 and #11 (Erie County septic system approval)
3. Drainage and stormwater considerations for erosion and sediment control

Seconded by Doug Crow

Upon a vote being taken:

ayes – seven

noes – none

Motion Carried.



Our ref: 11207908

1 February 2022

Martha Librock, Town Clerk
Town of Aurora
575 Oakwood Avenue
East Aurora, New York 14052

Open Development Area – 10 Ellis Drive

Dear Ms. Librock,

GHD has completed a review of the Open Development Area (ODA) application for the above referenced property. It is our understanding the applicant is seeking approval to construct a single-family residence on a previously approved ODA lot. The proposed residence will replace an existing residential structure which will be converted to an accessory building for the proposed residence. The property is zoned Agriculture, and we offer the following comments.

- New York State Environmental Quality Review (SEQR) – The proposed residence does not appear to exceed any Type 1 thresholds but appears to meet the definition of a Type 2 action involving the construction of a single-family residence on an approved ODA building lot. As a Type 2 action, the proposed residence does not require any further review under SEQR.
- Short Environmental Assessment Form (SEAF) – Part 1 of the SEAF has been completed which is intended to provide information about the project and its affected environment. GHD recommends the SEAF be revised to address the following items.
 - Question 2 – Additional approvals that may be required include the following:
 - Erie County Department of Health – Septic System Approval
 - Question 11 – Construction of an on-site septic system is being proposed and should be indicated as the method for providing wastewater treatment.
- Access Driveway – Minimum standards for ODA access driveways are set forth in §99-31A(4)(a) of the Town Code. The existing driveway is being extended and will require vehicle pass-by bump-outs every 150-feet of driveway length measuring a minimum of 6-feet wide and 25-feet long.
- Drainage and Stormwater – Construction of the proposed residence, driveway extension and associated utilities involves approximately 0.90 acres of land clearing and grading which may create the potential for storm water run-off during construction. GHD recommends the applicant provide an erosion and sediment control plan that delineates the area to be physically disturbed and provides perimeter protection measures to mitigate the impact of drainage leaving the site.

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: Heidt Forever Home				
Project Location (describe, and attach a location map): 10 Ellis Drive, SBL: 199.01-1-49.11				
Brief Description of Proposed Action: The proposed action seeks approval for revisions to the Open Development Area plan.				
Name of Applicant or Sponsor: William A. Heidt	Teleph	[REDACTED]		
		E-Mai	[REDACTED]	
Address: 10 Ellis Drive				
City/PO: West Falls	State: New York	Zip Code: 14170		
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	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: Erie County Department of Health - On-Site Wastewater Treatment Permit (Septic System)			NO	YES
			<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ 17.5 acres				
b. Total acreage to be physically disturbed? _____ .90 acres				
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 17.5 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 checked="" 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				

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<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: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" 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"/>	
	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: _____		NO	YES
	<input type="checkbox"/>	<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: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ An On-Site Wastewater Treatment System (Septic System) will be constructed	NO	YES	
	<input checked="" 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?	NO	YES	
	<input checked="" type="checkbox"/>	<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	YES
<input checked="" 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"/>	
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 checked="" type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" 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	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" 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 checked="" type="checkbox"/> YES	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	<input checked="" type="checkbox"/> NO <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>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <u>William A. Heidt</u> Date: <u>12/28/2021</u></p> <p>Signature: _____</p>		

Survey Statement

- SS1 A survey not shown to have been based on the Original Survey, is inconclusive in determining boundaries. The Surveyors only is to locate where the HOLLAND LAND COMPANY originally Surveyed.
- SS2 Farmers fences are NOT based on title, old occupied farmers fence lines subsequently surveyed and recorded into perpetuity, don't always satisfy title requirements.
- SS3 Using Aerial Photographs to locate physical evidence and using original Holland Land Company field notes and maps is the only way a Licensed Land Surveyor can Relocate the Holland Land Companies title surveys.

17.46 Acres
Parcel "A"

Note: 4914/138—Does not pertain
5198/252—"Blanket ease."
7555/265—shown on map,
10958/344—Does not pertain
10959/344—Does not pertain
2080/199—"Blanket Lease"
4842/702—"Blanket ease."
10941/2939—Does not pertain
10903/9030—Does not pertain
3032/398—Subject to

Copyright Information

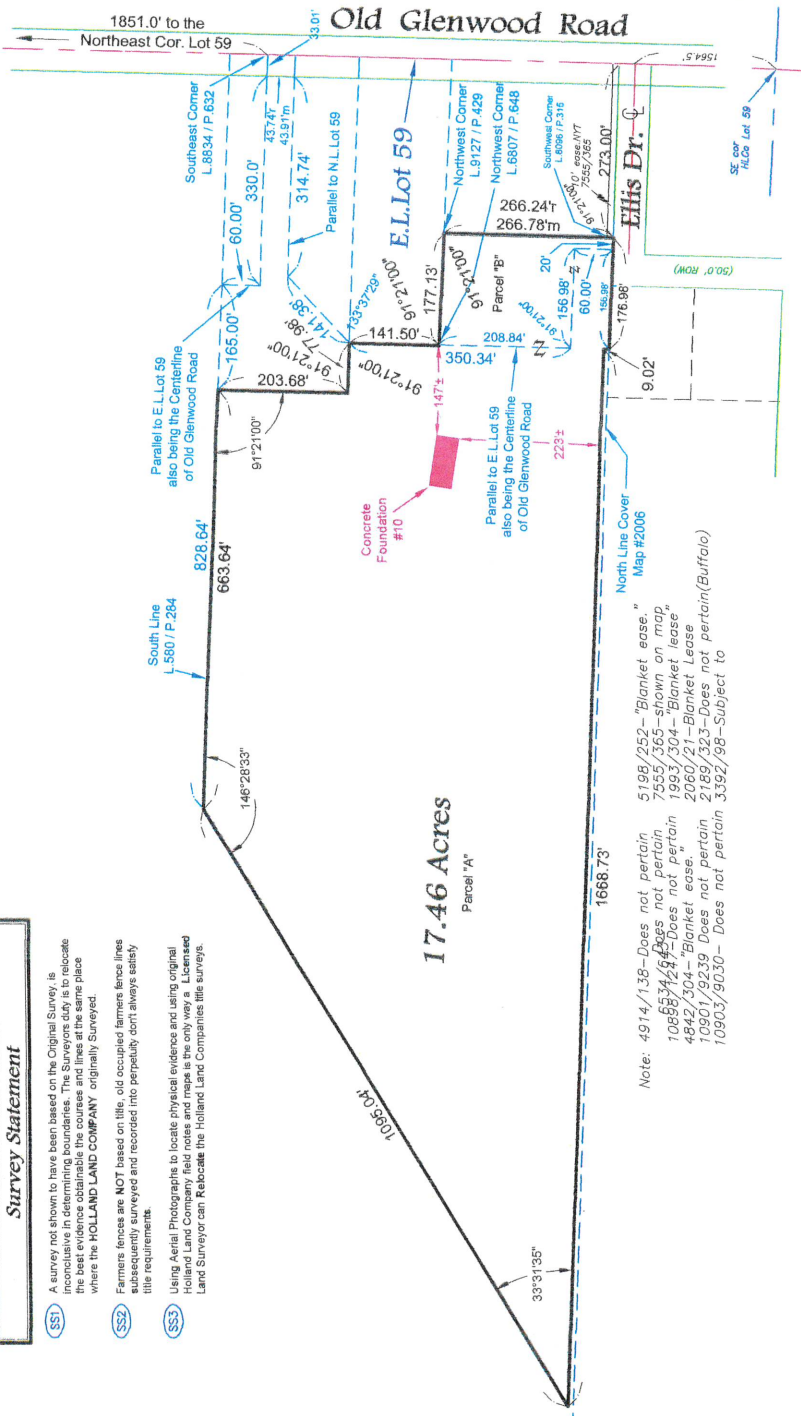
1 The Survey is Published in many different colors. Any Black and White reproduction is not a valid map from Freeman and Freeman Land Surveyors.

Statement of Encroachments

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

Reference Data

1B1 Maps and notes from the Holland Land Company Survey.



Miscellaneous Notes

- MN1 Some features shown on this plat may be shown out of scale for clarity.
- MN2 Certain easements and/or utility lines may or may not be shown hereon. This shall not imply that all easements or utilities affecting premises are shown.
- MN3 Unauthorized Alteration or Addition to this Survey Map is a Violation of Section 7206 Provision 2 of the New York State Education Law.
- MN4 This Survey was prepared without the benefit of an up-to-date abstract of title and is subject to any state of facts that may be revealed by an examination of such.
- MN5 THIS MAP IS NOT VALID WITH AFFIDAVIT OF NO CHANGE

Legend of Symbols & Abbreviations

IF / R.R.C.D.	N	North	E.R.C.	Easement
Power Pole	E	East	R.C.	Record
Traffic Signal Box	W	West	C	Centrifuge
Gas Valve	PL	PL or Min	I	Indicates Mutual
Fire Hydrant	F	F or Sec	O	Owner
Water Valve	M	M or F	N/F	Now or Formerly
Sanitary Manhole	M	Measured	One Meter = 3.2808333 Ft.	
Sign	Ex	Existing	One Acre = 43,560.0 Sq.Ft.	
Property Boundary				
Line of Record				
Edge of R.O.W.				
Holland Land Co. Lot Line				
Road Centerline				
Fence Along Line				

Survey

Being Part of
Lot 59 Township 9 Range 6
Holland Land Company Survey
Town of Amoxora
Erie County, New York

Surveyor's Certification

I hereby certify
This plat and survey were prepared in accordance with the current Code of Practice for Land Surveyors adopted by the New York State Association of Professional Land Surveyors and as amended by the Niagara Frontier Land Surveyors Association.

This certification does not extend to subsequent owners, mortgages, or releases. This certification is void unless signed by the surveyor listed below. This certification is null and void if the fee for said certification is not paid.

Signature of Surveyor

Survey Prepared By:
Licensed Surveyor: David Scott Freeman
Licensed Land Surveyor No.: 050480
In the State of: New York
Date of Survey: May 24, 2014
Date of Last Revision: August 28, 2014
Date of Building Location: October 23, 2015
Drawing Scale: 1" = 200'
Freeman & Freeman Job No. 8145



Resurveying the Holland Land Company for the 21st Century
1032 Crump Road - Glenwood, N.Y 14069
Phone: (716) 592-7740, Fax: (716) 592-4007



Erie County On-Line Mapping Application

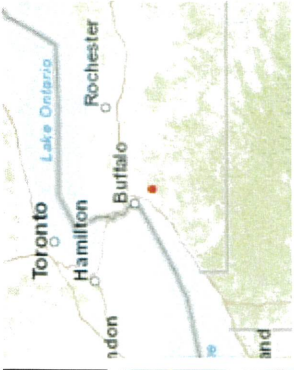


0 0.02 0.0 Miles

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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.

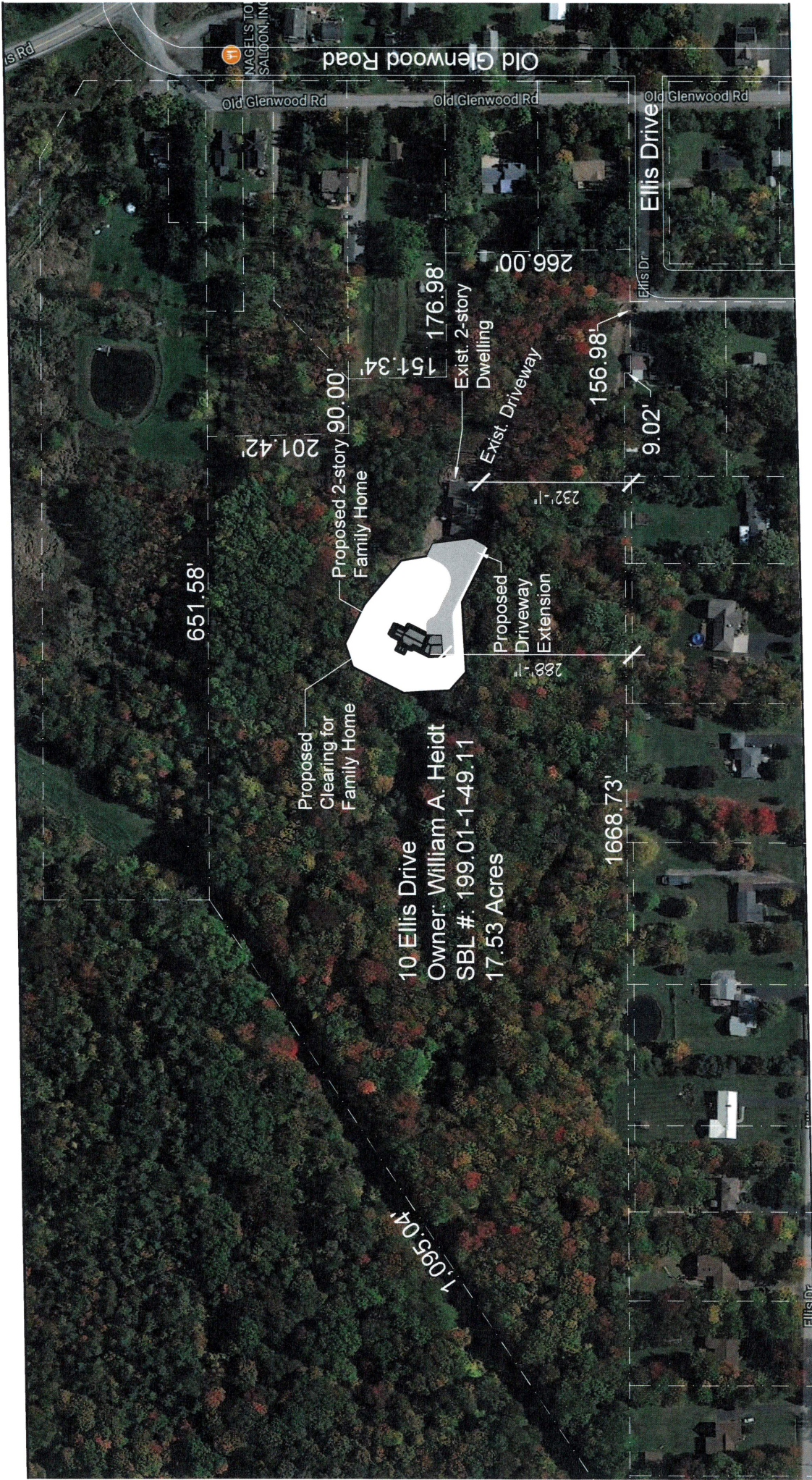


Legend

- Parcels
- Streets and Highways**
 - Interstate
 - Primary State Road
 - Secondary State Road
 - County Road
 - Local Road

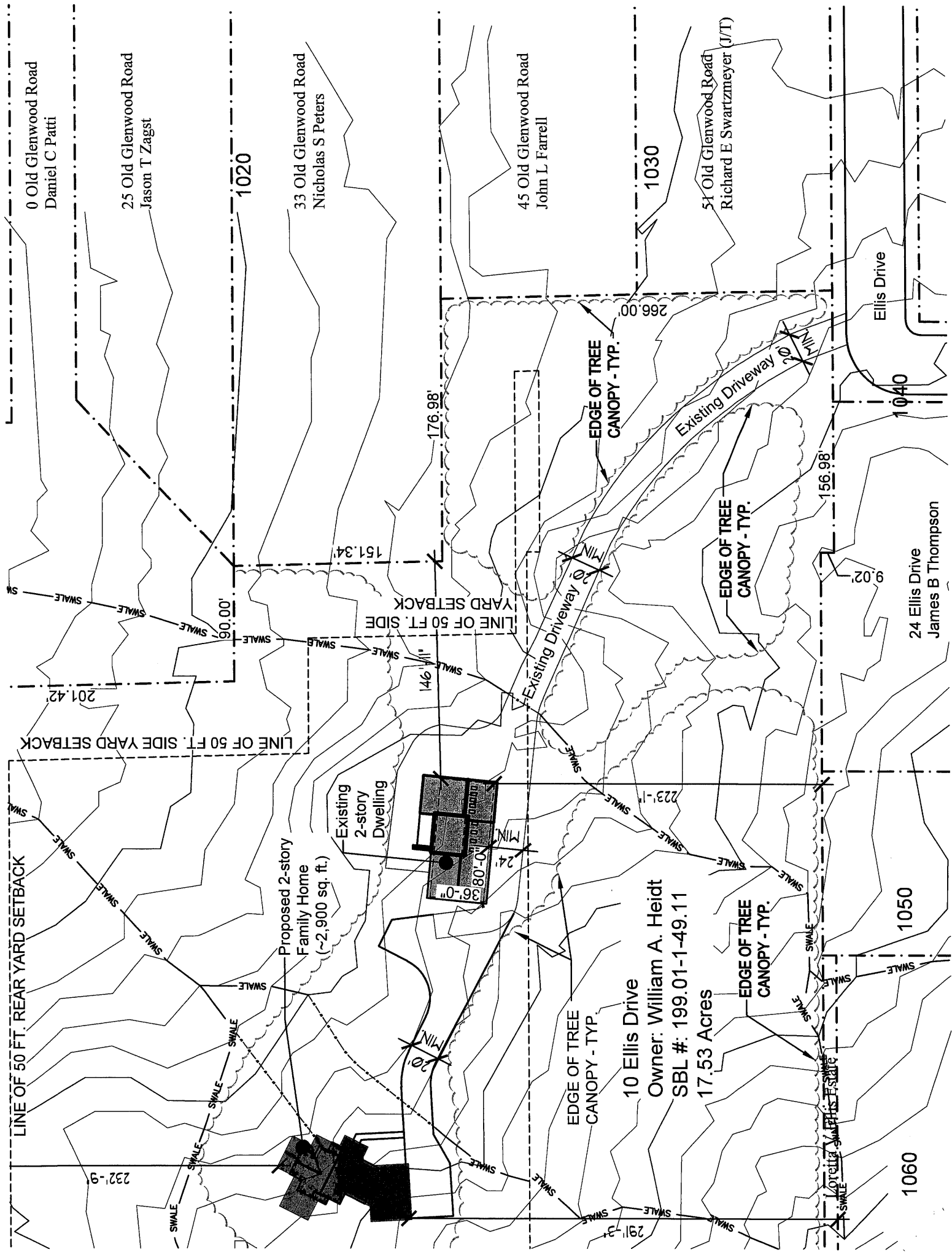


1: 1,128



OVERALL SITE PLAN - AERIAL IMAGE





0 Old Glenwood Road
Daniel C Patti

25 Old Glenwood Road
Jason T Zagst

33 Old Glenwood Road
Nicholas S Peters

45 Old Glenwood Road
John L Farrell

51 Old Glenwood Road
Richard E Swartzmeyer (J/T)

Ellis Drive

24 Ellis Drive
James B Thompson

10 Ellis Drive
Owner: William A. Heidt
SBL #: 199.01-1-49.11
17.53 Acres

Proposed 2-story
Family Home
(~2,900 sq. ft.)

Existing
2-story
Dwelling

LINE OF 50 FT. REAR YARD SETBACK

LINE OF 50 FT. SIDE YARD SETBACK

LINE OF 50 FT. SIDE
YARD SETBACK

EDGE OF TREE
CANOPY - TYP.

EDGE OF TREE
CANOPY - TYP.

EDGE OF TREE
CANOPY - TYP.

SWALE

SWALE

SWALE

SWALE

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SWALE

SWALE

SWALE

SWALE

SWALE

SWALE

SWALE

SWALE

232'-9"

90'-0"

151'-34"

176'-98"

1030

1040

1050

1060

36'-0"
80'-0"

MIN

24

MIN

20

MIN

20

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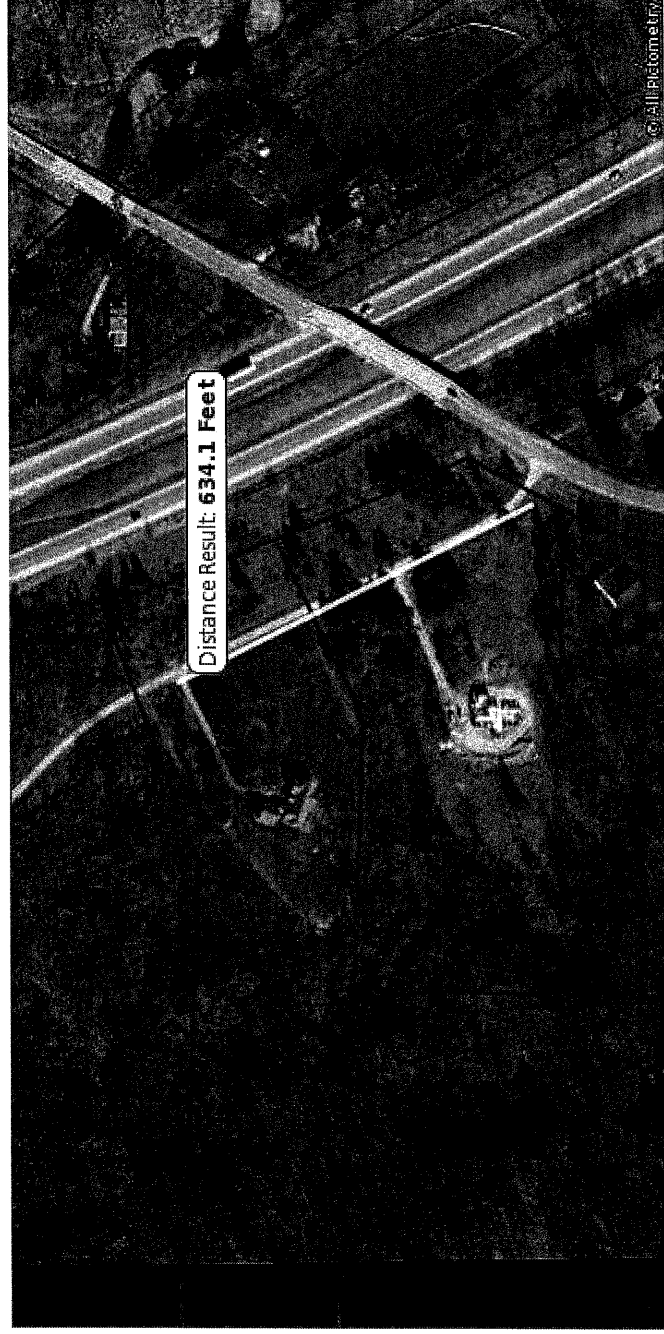
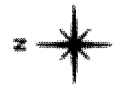
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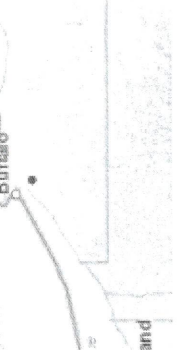
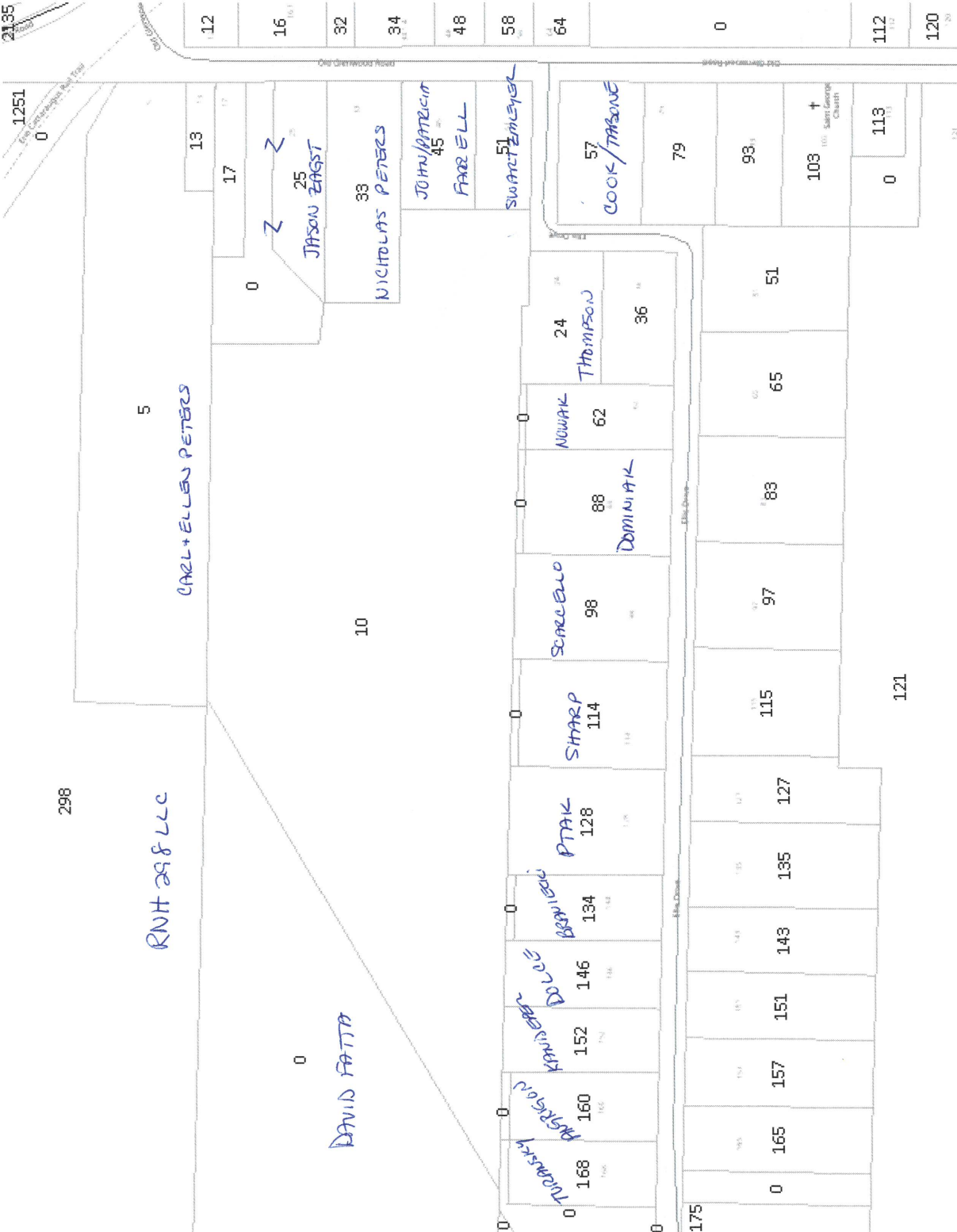
20

Blakeley ODAs





Erie County On-Line Mapping Application



Legend

- Parcels
- Streets and Highways
 - Interstate
 - Primary State Road
 - Secondary State Road
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 - Local Road

Case 1397

1: 4,514

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ERIE COUNTY
DEPARTMENT OF ENVIRONMENT & PLANNING
OFFICE OF GIS

0 0.07 0.1 Miles

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