



CASE NO. 1398

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 Erin Sendor + David Olsen
Address 135 Cook Road
City East Aurora State NY ZIP 14052
Phone 716-253-1111 x _____ Email dolst@mail.com
Interest in the property as (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 Vacant Land on Castle Hill Road
SBL# 176.06-1-3
Property size in acres 0.48 Property Frontage in feet 145.80'
Zoning District R1 Surrounding Zoning R1
Current Use of Property Vacant Land

IV. REQUEST DETAIL

(check all that apply)

Variance from Ordinance Section(s) # 116-8.1 D(2) and 116-8.1 E(2)
 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)

Erin Sender David Olsen
Signature of Applicant/Petitioner

Erin sender David Olsen
Print name of Applicant/Petitioner

State of New York; County of Erie

On the 10th day of February in the year 2022 before me, DAVID OLSEN, PETITIONER,
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.

Sheryla A. Miller
Notary Public
SHERYLA. MILLER
Reg. #01MI6128663
Notary Public, State of New York
Qualified In Erie County
Commission Expires June 13, 2025
(Notary stamp)

Office Use Only: Date received: 2/17/22 Receipt #: 355624 Nk#1022
Sam

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)

Please see attached Letter of Intent.

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

Zoning Board of Appeals

Petitioner's Letter of Intent

Dear Members of the Zoning Board of Appeals,

We would like to express our interest in building a single-family home on our vacant lot on Castle Hill Road, as well as request a setback variance for the home.

In 2017, the Town code was changed making this lot have a legal non-conforming lot size. This lot is also affected by unique circumstances with the neighboring house to the east being located less than 20 feet from the property line. (See Document A)

With consideration for the privacy of the owners of the neighboring property to the east, as well as additional backyard space on our lot, we are requesting a front yard setback of 33 feet measured from the property line.

With the variance in question, the front yard setback will be comparable to several neighbors within 1,000 feet of the property on Castle Hill Rd. This will also allow the backyard area to be similar in size to the neighboring properties.

Additional Information:

As of November 2021, we became owners of the vacant lot on Castle Hill Road, and signed a contract for the included house plan with Forbes Capretto. The included house plans will not be drafted until the variance is resolved.

Even though the lot is non-conforming, it is similar in size to the other lots in the neighborhood. (See Document B)

Thank you for your consideration.

David Olsen & Erin Sendor

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

DO NOT WRITE IN THIS SPACE

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.

Case No.: ZR-22-147
Received: 2/18/22

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

2. Hearing Schedule: **Date** 3/17/2022 **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 VL Castle Hill Road

6. Referral required as Site is within 500' of: State or County Property/Institution Municipal Boundary Farm Operation located in an Agricultural District
 Expressway County Road State Highway Proposed State or County Road, Property, Building/Institution, Drainageway

7. Proposed change or use: (be specific) Lot area smaller than allowed by Town code; front yard setback of proposed residence less than required by Town code

8. Other remarks: (ID#, SBL#, etc.) SBL#176.06-1-3

9. Submitted by: Martha Librock, Town Clerk 2/15/2022
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 2/18/22. 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: 2/22/22

Gatti, Sarah

From: Quebral, Lorenzo
Sent: Tuesday, February 22, 2022 2:41 PM
To: Gatti, Sarah
Cc: Salah, Mutasem
Subject: RE: Castle Hill Road
Attachments: D-21 Model (1).pdf

Sarah,

DSM has the following comments on the project attached project.

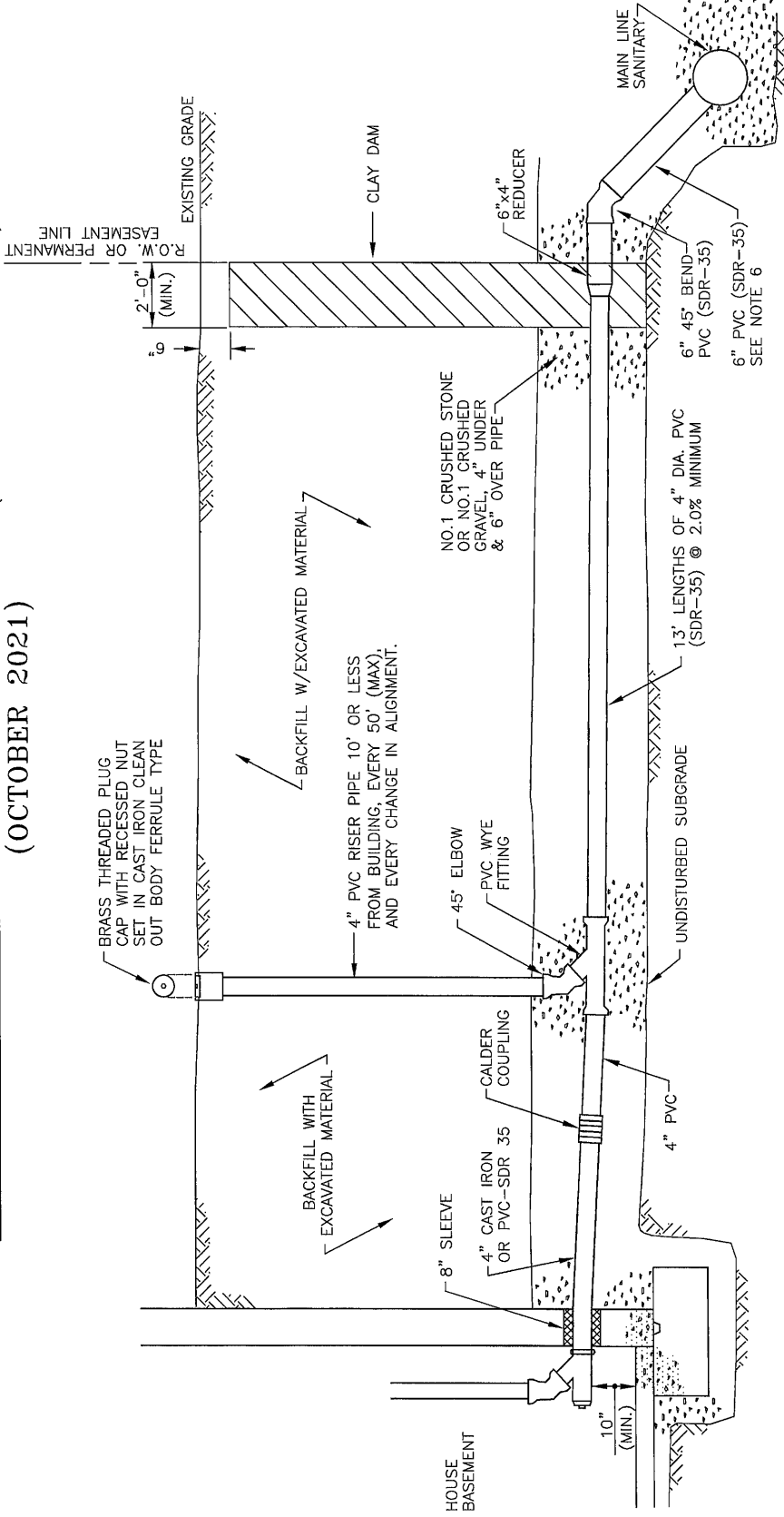
1. The proposed project is located within Erie County Sewer District No. 8. The sanitary sewers near the proposed project are owned by ECSD#8. The sanitary flows are tributary to Erie County trunk and interceptor lines and ultimately the East Aurora Water Resource Recovery Facility.
2. Connection to the public sanitary sewer will be required per Division of Sewerage Management Rules and Regulations (Article II, Section 201).
3. The connection shall be made in accordance with DSM design requirements shown in detail #21 (attached).
4. A permit must be obtained from the Central Region office located at 3690 Lake Shore Road Hamburg, NY 14219 at least 48 hours prior to construction.

If you have any questions, feel free to call me at (716)-858-6974 or e-mail me at lorenzo.quebral@erie.gov.

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Lorenzo Quebral | Assistant Project Engineer
Erie County | Div. of Sewerage Management
95 Franklin St., 1050 | Buffalo, NY 14202
P:+1(716)858-6974 | F:+1(716)858-6257
Lorenzo.Quebral@erie.gov | <http://www.erie.gov>

TYPICAL HOUSE SERVICE DETAIL (NEW BUILDS) (OCTOBER 2021)



- NOTES:**
- NO INSPECTION WILL BE PROVIDED WITHOUT A PERMIT. INSPECTIONS REQUIRE 48 HR. ADVANCE NOTICE FOR SCHEDULING.
 - ALL WORK MUST BE INSPECTED BY A COUNTY INSPECTOR.
 - PVC PIPE MATERIAL SHALL BE MANUFACTURED ACCORDING TO THE LATEST ASTM SPECIFICATION D-3033/D-3034. CAST IRON PIPE MATERIAL SHALL BE EXTRA HEAVY CAST IRON MEETING THE REQUIREMENTS OF ASTM A74-42.
 - A MANUAL VALVE SHALL BE INSTALLED ON BASEMENT LAUNDRY DRAIN LINE. CLEANOUTS MUST BE INSTALLED IN DRIVEWAY AREAS, PREFERABLY BETWEEN THE CURB OR EDGE OF PAVEMENT AND THE SIDEWALK.
 - SELECT BACKFILL REQUIRED UNDER PAVED AREAS.
 - CONCRETE ENGAGEMENT IF COVER DEPTH IS LESS THAN 4'-0" UNDER PAVED AREAS.
 - AN 8"x6" WYE WITH 6" PVC TO 6" 45° BEND, THEN 6"x4" REDUCER IS USED. A 6" CLEANOUT IS REQUIRED AT R.O.W. WHENEVER THE MAIN SEWER IS UNDER THE PAVEMENT LIMITS OR AT FAR SIDE OF PAVEMENT.
 - ANY EXCAVATION TO BE LEFT OPEN OVERNIGHT SHALL BE COMPLETELY ENCLOSED IN FENCING, OR WHERE NECESSARY, COVERED WITH STEEL PLATES.
 - DOWN SPOUTS, SUMP PUMPS, AND FOOTING DRAINS ARE NOT PERMITTED TO BE CONNECTED TO THE HOUSE LATERAL.
 - NO CONNECTION SHALL BE MADE UNTIL BUILDING ROOF IS ERECTED AND BASEMENT FLOOR IS POURED.
 - ANY SEWER LAD THROUGH OR OVER A SEPTIC TANK MUST BE CAST IRON (SEPTIC TANK MUST BE FILLED WITH BANK RUN GRAVEL.)

Rev.	1/07	REMOVED OLD NOTES 1,3,8,10,12,13 AND 20
		REVISED TO 6" PVC-DET6, 48 HR ADV NOTICE
Rev.	11/08	ADDED PVC TRAP AND SLEEVE
Rev.	01/12	REVISED 4" CAST IRON TRAP
Rev.	01/18	ADDED (A) NOTE TO EXISTING VENT & TRAP
Rev.	10/21	REMOVED VENT, RISER, AND TRAP ASSEMBLY

File: d-21 Date: 3/1/91

ERIE COUNTY
DEPT. OF ENVIRONMENT & PLANNING
DIVISION OF SEWERAGE MANAGEMENT

STD. DETAIL

21

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

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csnyder@townofaurora.com

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TOWN JUSTICE
Jeffrey P. Markello
Anthony DiFilippo IV

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

FAX: (716) 652-3507

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

February 14, 2022

David Olsen & Erin Sendor
135 Cook Rd
East Aurora, NY 14052

Mr. Olsen and Ms. Sendor:

The Building Department has reviewed your request to construct a residence at your lot on Castle Hill Rd (SBL: 176.06-1-3). The request has been denied because it fails to meet the requirements for the Residence 1 (R1) Zoning District in which it is located.

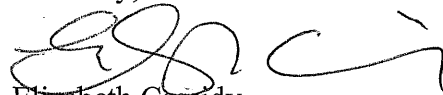
Section 116-8.1D(2)
Required: Area: 32,670 sq ft (.75 acre, not including the right-of-way)
Requested: Existing lot area of 21,386 (.49 acre)
Variance: 11,284 sq ft or .26 acre

Please note, the acreage requirement is the minimum required for the installation of a septic system as regulated by Erie County Department of Health. This residence will connect into the existing sanitary sewer as most of the houses are on this street.

Section 116-8.1E(2)
Required: Where 20% or more of the lots in the same block on the same side of the street and within 1,000 feet of a proposed building are improved with buildings, the average setback of such existing buildings shall establish the minimum setback or building line. This provision shall not be interpreted to permit a front yard depth of less than 45 feet. [Castle Hill has an existing setback of 52.91' within 1000' of this lot, see attachment]
Requested: 33'
Variance: 19.91'

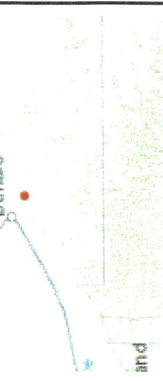
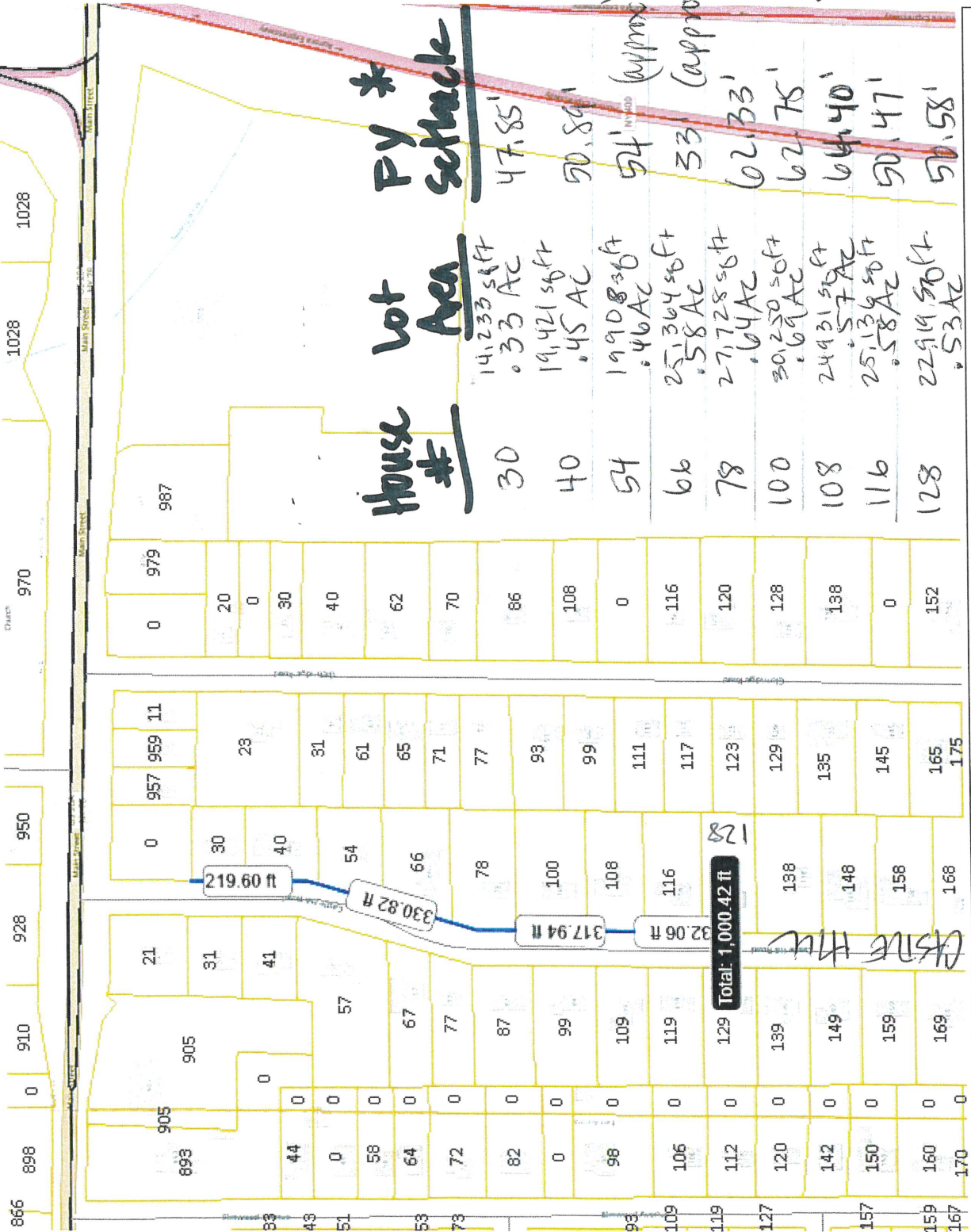
This letter serves as notice that we have received the application and fee for the Zoning Board of Appeals. You will receive notification from the Town Clerk with the date and time of the hearing next month. If you have any questions, please contact our office at 652-7591.

Sincerely,


Elizabeth Cassidy
Code Enforcement Officer



Erie County On-Line Mapping Application



Legend

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

FYI
21 Castle Hill
1.57 AC
22,206 sq ft
54' Py setback
* Avg Py setback 52.91'

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: 4,514

ERIE COUNTY
DEPARTMENT OF ENVIRONMENT & PLANNING
OFFICE OF GIS

0 0.07 0.1 Miles
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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.

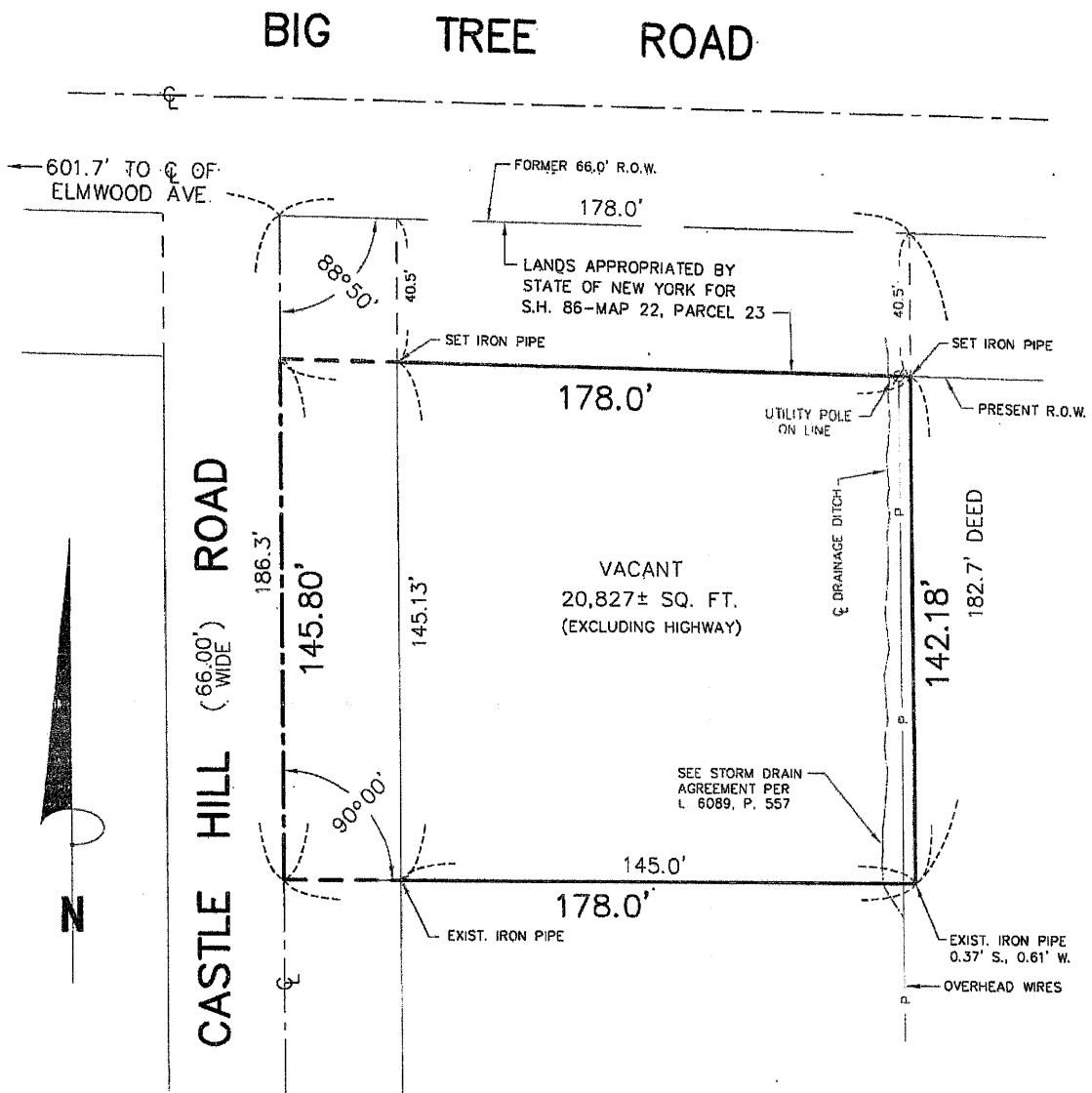
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: Single Family Residence			
Project Location (describe, and attach a location map): Vacant land on Castle Hill Rd.			
Brief Description of Proposed Action: Construction of a single family residence.			
Name of Applicant or Sponsor: Erin Sendor + David Olsen		Telephone: _____	
		E-Mail: do @ail.com	
Address: 135 Cook Road			
City/PO: East Aurora		State: NY	Zip Code: 14052
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 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: Erie County Sewer Tap, Building Permit			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		0.48 acres	
b. Total acreage to be physically disturbed?		less than 0.48 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		# 0.48 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 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			

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>Erin Sendor</u> <u>David Olsen</u>		Date: <u>2/09/2022</u>
Signature: <u>Erin Sendor</u> <u>M. Olsen</u>		

FEET	INCHES	FEET	INCHES
0.08	- 1	0.58	- 7
0.17	- 2	0.87	- 8
0.25	- 3	0.75	- 9
0.33	- 4	0.83	- 10
0.42	- 5	0.92	- 11
0.50	- 6	1.00	- 12

NOTE: THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH.

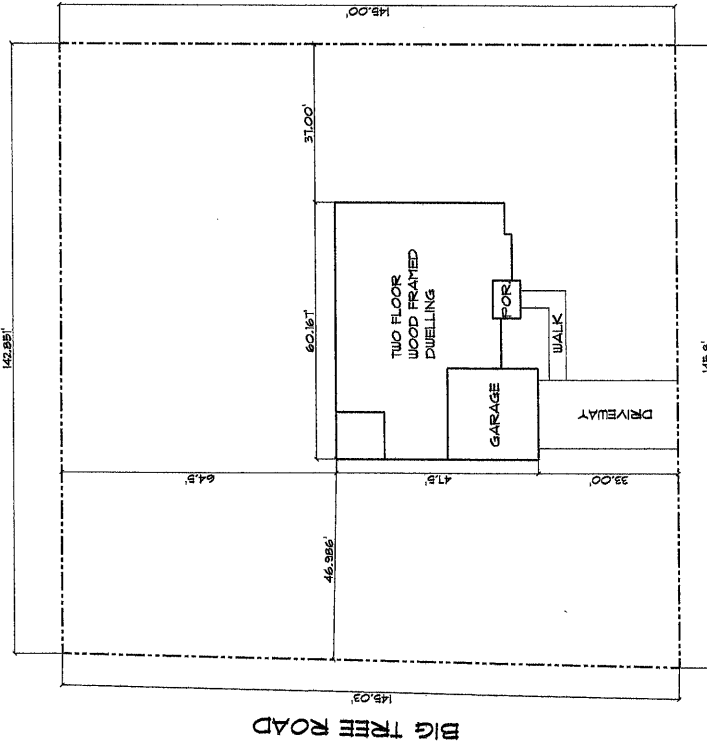


ALTERING ANY ITEM ON THIS MAP IS IN VIOLATION OF THE LAW, EXCEPTING AS PROVIDED IN SECTION 7206; PART 2 OF THE NEW YORK STATE EDUCATION LAW.

THIS MAP VOID UNLESS STAMPED WITH NEW YORK STATE LICENSED LAND SURVEYOR'S SEAL NO. 49657

SURVEY OF		PART OF LOT 15, TOWNSHIP 9, RANGE 6	
		HOLLAND LAND COMPANY'S SURVEY	
LOCATION		TOWN OF AURORA, ERIE COUNTY, N.Y.	
MICHAEL J. MATESIC LICENSED LAND SURVEYOR N.Y.S.P.L.S. 49657 156 MEADOWBROOK DRIVE LACKAWANNA, N.Y. 14218 PHONE (716) 822-0480	JOB NO.	21-2761	
	DATE	9/9/2021	
	SCALE	1" = 40'	
	RESURVEYED		

Michael J. Matesic



THE DIMENSIONS ON THIS SITE PLAN ARE INTENDED FOR APPROXIMATE LOCATION. THE ACTUAL LOCATION MAY VARY. THE BUILDER RESERVES THE RIGHT TO ADJUST THE FINAL LOCATION OF THE STRUCTURE

LINE LEGEND
PROPERTY: ————
MIN. SETBACK: - - - -
EASEMENT:

FORBES CAPRETTO HOMES	
SITE PLAN	
DRAWING: _____	
OWNER: OLSEN/ENDOR	
ADDRESS: CASTLE HILL ROAD	
SQ. FOOTAGE	LAST REV.:
_____	2/10/22
DRAWN BY:	SCALE:
_____	1/8"=1'-0"
S	



Erie County On-Line Mapping Application



Total: 12.54 ft

0 0.02 0.0Miles

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ERIE COUNTY
DEPARTMENT OF ENVIRONMENT & PLANNING
OFFICE OF GIS

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Legend

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

Document A



1: 1,128

Erie County On-Line Mapping Application



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Document B



0 0.04 0.1 Miles

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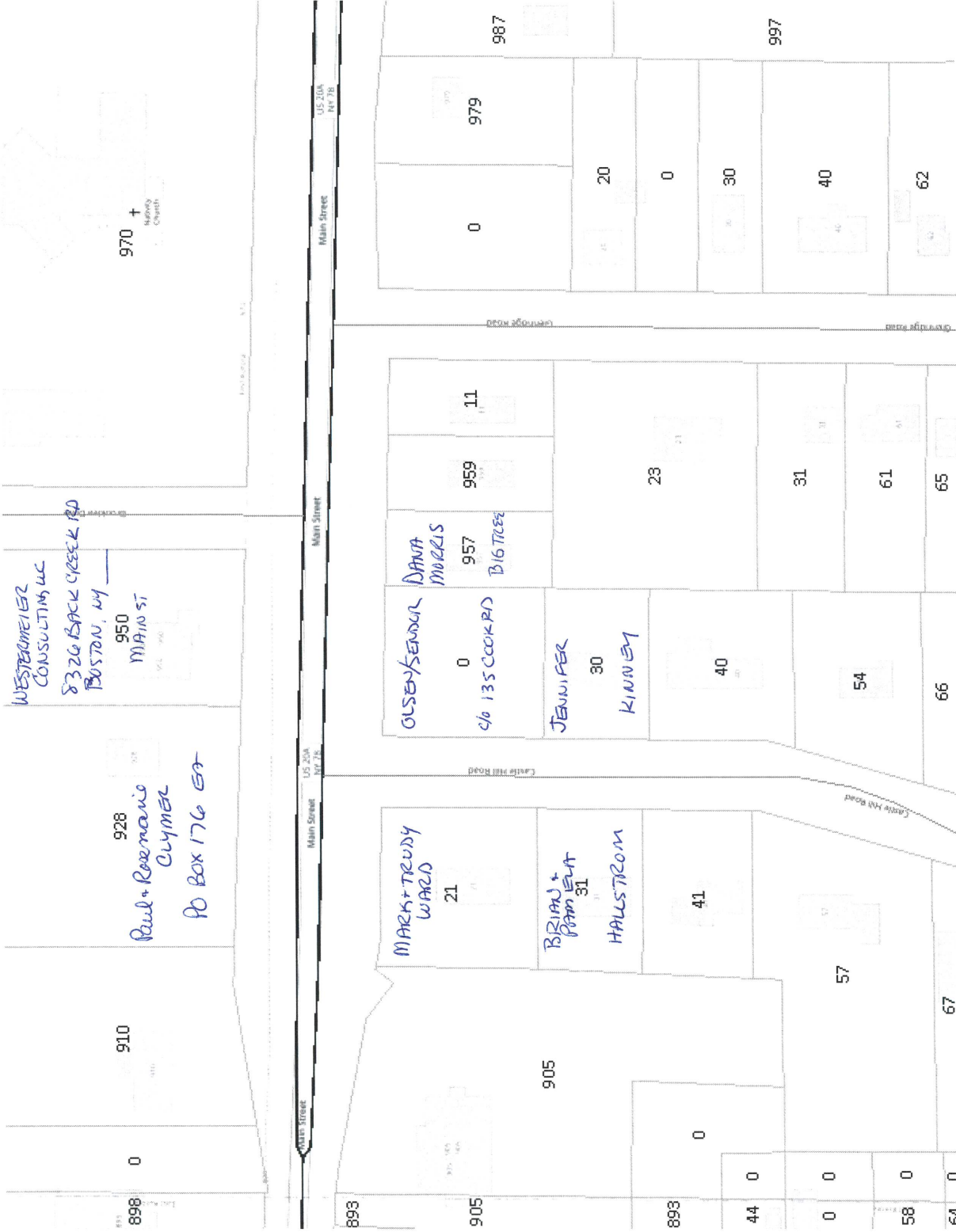
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1: 2,257





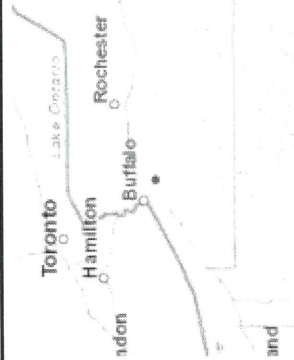
Erie County On-Line Mapping Application



Case 1398

Legend

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0 0.04 0.1 Miles

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