



CASE NO. 1416

DATE OF HEARING 9/15/22

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 WILLIAM CZELUSTA JR. & TRACY CZELUSTA
Address 868 LAWRENCE AVE.
City EAST AURORA State NY ZIP 14052
Phone _____ Fax _____ Email _____ mail.com
Interest _____ (owner/purchaser/developer)

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

Property Owner(s) Name(s) WILLIAM CZELUSTA JR. & TRACY CZELUSTA
Address 868 LAWRENCE AVE
City EAST AURORA State NY ZIP 14052
Phone _____ Fax _____ Email _____

III. PROPERTY INFORMATION

Property Address 868 LAWRENCE AVE, EA, NY, 14052
SBL# 165.13-4-22
Property size in acres .39 Property Frontage in feet 80
Zoning District R-1 Surrounding Zoning R-1
Current Use of Property RESIDENTIAL

IV. REQUEST DETAIL

(check all that apply)

Variance from Ordinance Section(s) # 116-8.1 E(1); 116-8.1 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)

WJ Cz
Signature of Applicant/Petitioner

William J Czeglowski Jr
Print name of Applicant/Petitioner

State of New York; County of Erie

On the _____ day of _____ in the year _____ 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.

Lisa M Vecchio
Notary Public

(Notary stamp)

LISA M VECCHIO
NOTARY PUBLIC STATE OF NEW YORK
CHAUTAUQUA COUNTY
LIC. #01VE6421993
COMM. EXP. 09/13/2025

Office Use Only: Date received: 8/8/2022 Receipt #: 385920

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)

The proposed project includes ^{the addition of} a one car garage, handicap accessible entrances and a new first floor bedroom. In order to achieve the project goal of making our home suitable for aging in place, we are requesting a variance to the side yard setback.

We feel that these enhancements to our home will also maintain the character of our nice neighborhood.

Given the placement of the home on the lot, the existing driveway and garage locations please consider this design our best option for achieving our project goals.

TO BE COMPLETED ONLY WHEN A USE VARIANCE IS BEING REQUESTED: N/A

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

Luke Wochensky
lwochensky@townofaurora.com

James F. Granville
jgranville@townofaurora.com

Joseph M. McCann
jmccann@townofaurora.com

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

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

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

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

TOWN ATTORNEY
Brigid M. Maloney

TOWN JUSTICE
Jeffrey P. Markello
Anthony DiFilippo IV

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

FAX: (716) 652-3507

August 8, 2022

William & Tracy Czelusta
868 Lawrence Ave
East Aurora, NY 14052

Dear William & Tracy:

The Building Department has reviewed request to construct an addition at your residence at 868 Lawrence Ave. The request has been denied because it fails to meet the code requirements for setbacks in the Residence-1 (R1) Zoning District in which it is located.

Section 116-8.1E(1)

Required: Front yard setback is a minimum of 75' from the ROW

Requested: Front yard setback of 39.71'

Variance: 35.29'

Section 116-8.1F(1)

Required: Side yard setback for principal building is a minimum of 20'

Requested: Side yard setback of 8.1'

Variance: 11.8'

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 next available hearing. If you have any questions, please contact our office at 652-7591.

Sincerely,

A handwritten signature in black ink that reads "Elizabeth Cassidy".

Elizabeth Cassidy
Code Enforcement Officer

**SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, N.Y.
AND REPLY TO MUNICIPALITY**

Submit this form with full statement of proposed action (as described in GML 239-m(c)) at www.Erie.gov/IRonline, OR mail a hard copy (retain a copy for your files) to: Erie County Division of Planning, 95 Franklin Street, Room 1053, Buffalo, N.Y., 14202

DO NOT WRITE IN THIS SPACE

Case No.: _____

Postmark/Delivery Date: _____

The proposed action described herein is referred in accordance with the provisions of NYS General Municipal Law §239 l - nn
A Municipal Referral Map is available to help determine whether an applicable action is subject to referral.

Description of Proposed Action

1. Name of Municipality: Town of Aurora

§239-m(4)(b) provides that the county shall have 30 days after receipt of a full statement of the proposed action to reply.
If the county fails to reply within such period, the referring body may take final action.

However, any county reply received after 30 days but 2 or more days prior to final action by the referring body shall be subject to §239-m(5)
The referring body shall file a report of its final action with the county within 30 days per §239-m(6).

2. Hearing Schedule: **Date** 09/15/2022 **Time** 7:00 pm **Location** 575 Oakwood Ave., EA

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 Address: 868 Lawrence Avenue

5a. S.B.L. of Property: 165.13-4-22 East Aurora, NY

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: Addition - front yard setback, side yard setback - less than required by
(specify the action, such as the scope of variances or site plans) code

8. Other remarks: _____

9. Submitted by: Martha L. Librock **Email:** townclerk@townofaurora.com

10. Return Address: 575 Oakwood Avenue, East Aurora NY 14052

Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on _____. The Division herewith submits its review and reply under the provisions of applicable state and local law, based on the information submitted with this referral.

1. The proposed action is not subject to review under the law.
2. Comment on proposed action is attached hereto.
3. The proposed action is subject to review; Recommendation on Proposed Action is attached hereto.
4. No Recommendation; proposed action has been reviewed and determined to be of local concern.

By the Division of Planning: _____ Date: _____

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

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

Part 1 - Project and Sponsor Information			
Name of Action or Project: <i>Addition & Renovations to the Czelusta Residence</i>			
Project Location (describe, and attach a location map): <i>NORTH WEST SIDE OF LAWRENCE AVE, 868 LAWRENCE AVE BETWEEN DORCHESTER & POMANER SO. EAST AURORA, NY 14052</i>			
Brief Description of Proposed Action: <i>The proposed project includes the addition of a one car garage, Handicapped Accessible entrances and a new first floor bedroom.</i>			
Name of Applicant or Sponsor: <i>William Czelusta Jr</i>		Telephone: 71 [REDACTED]	
		E-Mail: [REDACTED]@gmail.com	
Address: <i>868 Lawrence Ave</i>			
City/PO: <i>East Aurora NY</i>		State: <i>N.Y.</i>	Zip Code: <i>14052</i>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			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:			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?			NO <input checked="" type="checkbox"/>
b. Total acreage to be physically disturbed?			YES <input type="checkbox"/>
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			
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 type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

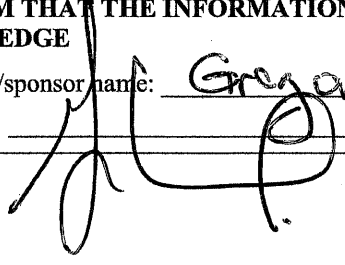
5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<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: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" 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?	NO	YES	
	<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: _____	NO	YES	
	<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 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 checked="" type="checkbox"/> NO <input 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: _____	NO	YES	
	<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES		

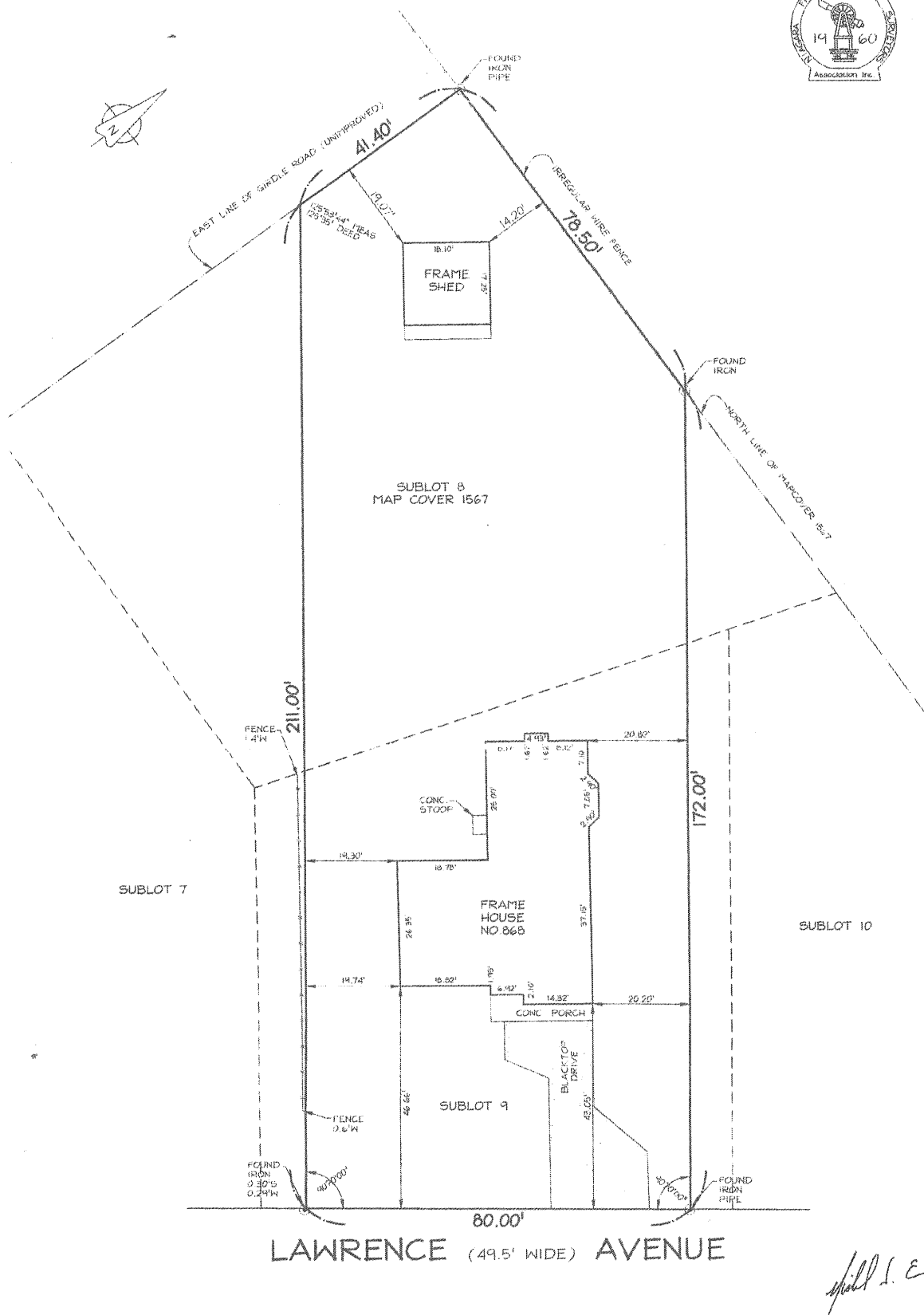
<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<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>

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

Applicant/sponsor name: Gregory Schneider RA Date: Aug 5 22

Signature: _____





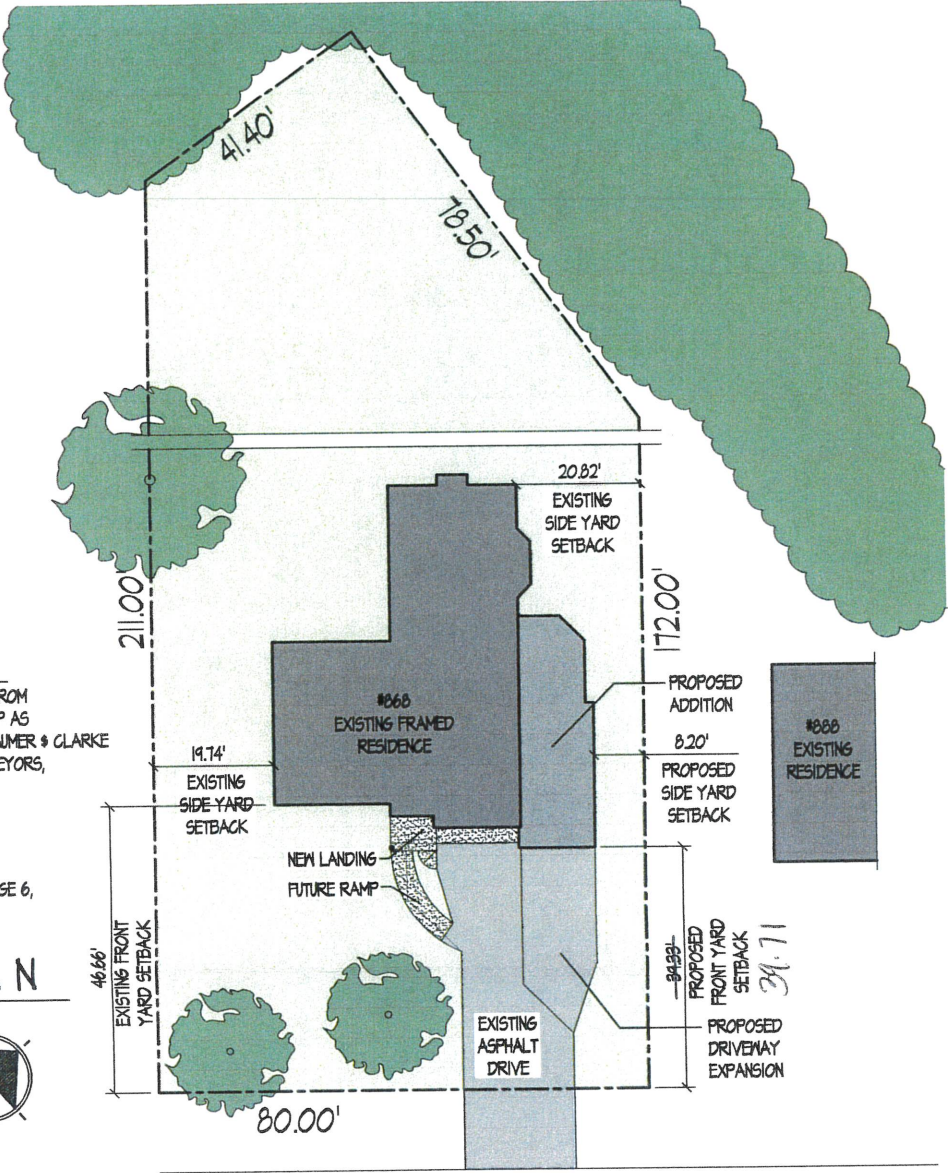
LAWRENCE (49.5' WIDE) AVENUE

Handwritten signature: J. E.

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. Unauthorized alterations or additions to any survey, drawing, design, specification, plan or report is a violation of section 7209, provision 2 of the New York State Education Law.

PART OF LOT(S) 16 SECTION 10 TOWNSHIP 9 RANGE 6		STATE OF NEW YORK		
LOCATION: TOWN OF AURORA		COUNTY OF ERIE	SCALE: 1" = 20'	
<p>3556 Lake Shore Road Buffalo, New York 14214-1494 (716) 827-8000</p>	KIND	DATE	REQUESTED BY	JOB NO.
	SURVEY	07/13/10	GARVET & GARVET, ATTORNEY	10J2-0549

NO IRONS SET OR FOUND AT PROPERTY CORNERS UNLESS NOTED HEREON.

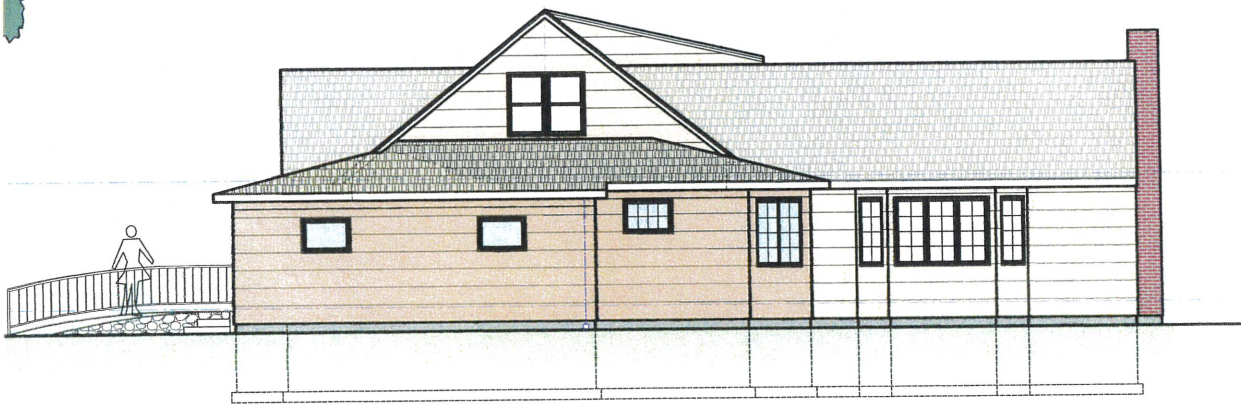


SITE PLAN NOTES:
 SITE PLAN DERIVED FROM BOUNDARY SURVEY MAP AS PROVIDED BY NUSSEBAUMER & CLARKE ENGINEERS AND SURVEYORS, DATED JULY 13, 2010
 TOWN OF AURORA
 COUNTY OF ERIE
 STATE OF NEW YORK
 PART OF LOT 16, RANGE 6, TOWNSHIP 4

SITE PLAN
 SCALE: 1" = 20'-0"



☪ LAWRENCE AVENUE
 (49.5' WIDE)



NORTH EAST ELEVATION
 SCALE: 1/8" = 1'-0"

Addition and Renovations
 To The
Czelusta Residence
 868 Lawrence Avenue, Est Aurora, New York 14052

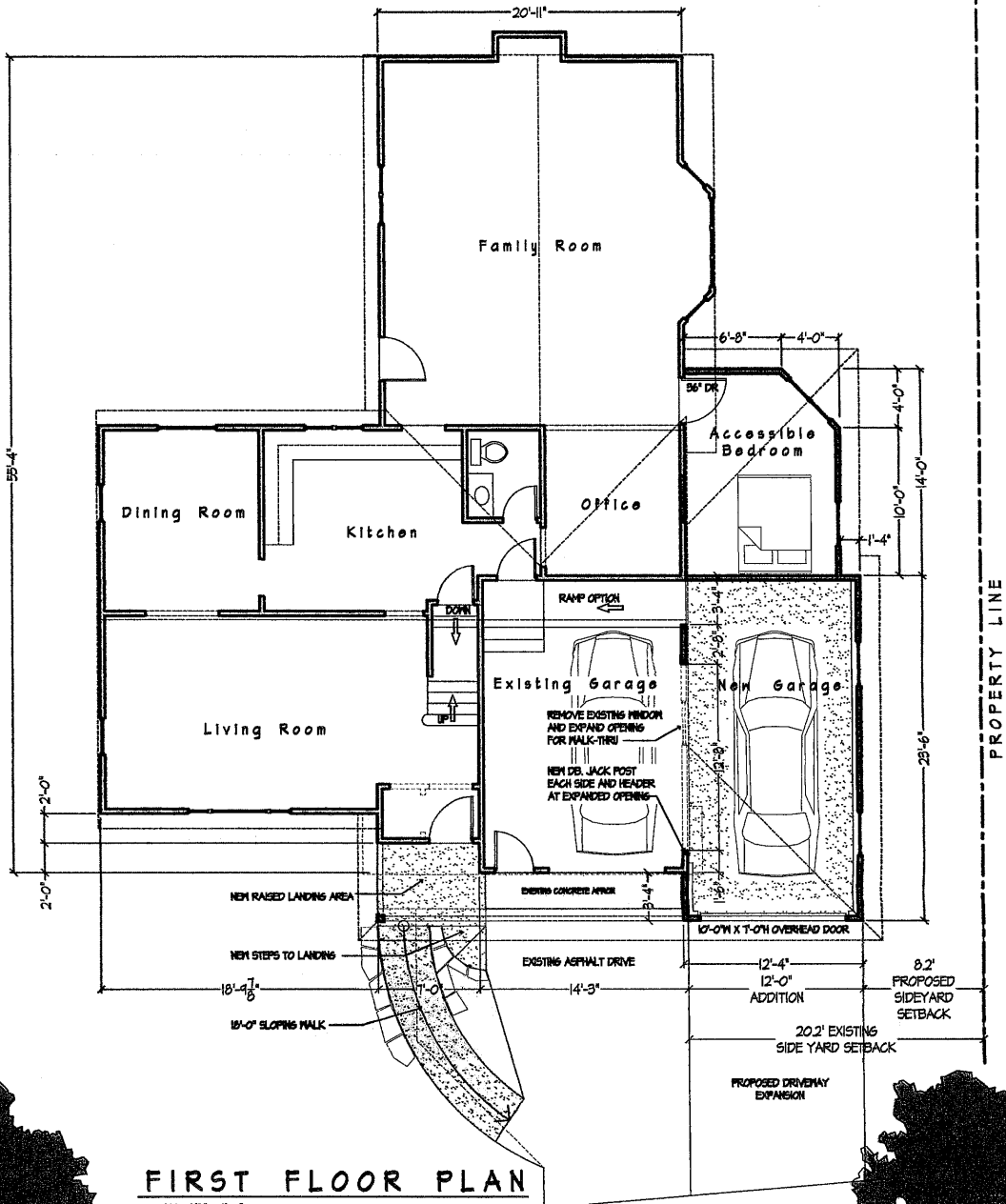
Variance Application Drawing

U R O R A
RCHITECTURAL
 (716) 665-3110
 greg@urorarch.com
 886 Quaker Road
 East Aurora, N.Y. 14052

DATE: August 5, 2022
 SCALE: As Noted
 JOB NO: 22.16
 DRAWN BY: AA
 CHECKED: GKS
 REVISED:

SHEET:
 SITE PLAN, FLOOR PLAN AND EXTERIOR ELEVATIONS
 DRAWING NO. **V-1**
 IN SET OF: 1

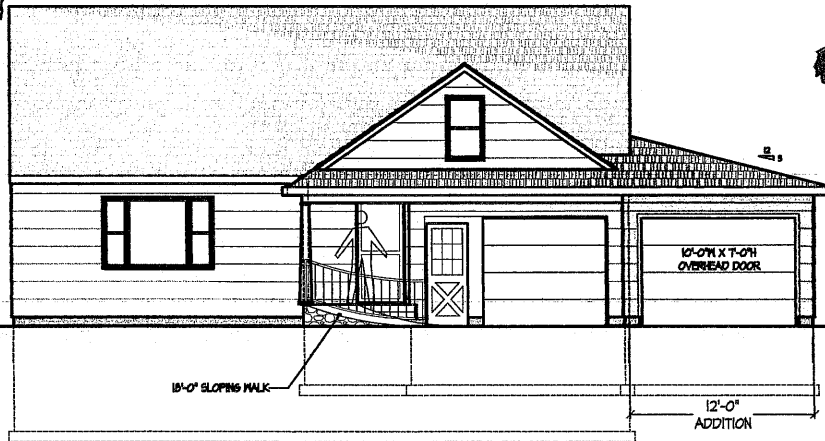
PROPERTY LINE



FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"

PROPERTY LINE



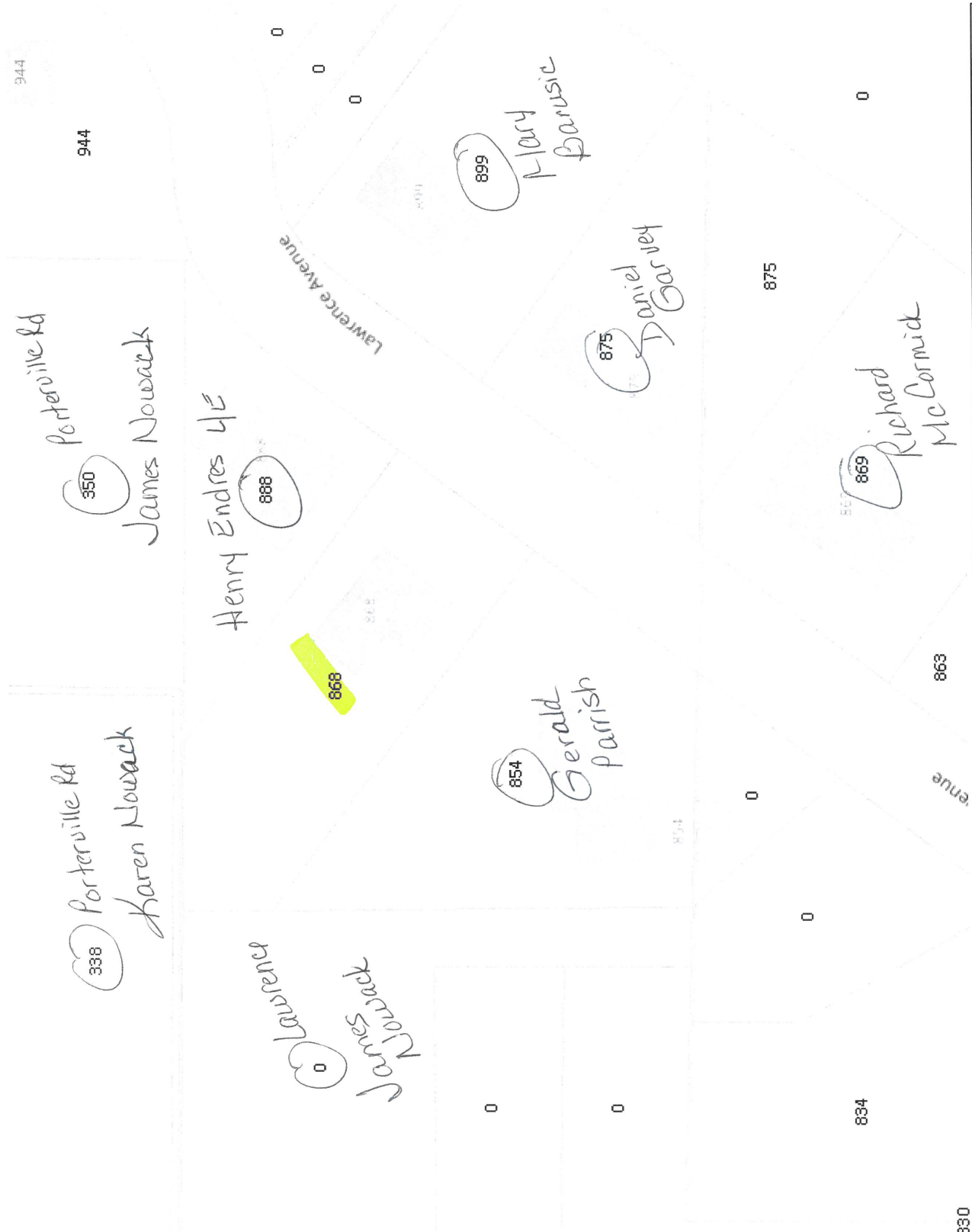
PROPERTY LINE

SOUTH EAST ELEVATION 868 LAWRENCE AVENUE

SCALE: 1/8" = 1'-0"



Erie County On-Line Mapping Application



944

944

Porterville Rd

James Nowack

Henry Endres 4/E

Lawrence Avenue
James Nowack

Lawrence Avenue

854
Gerald Parrish

875
Daniel Garvey

899
Mary Banusic

869
Richard McCormick

863

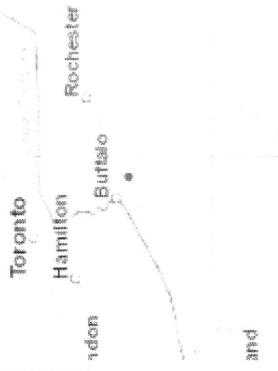
avenue

834

875

Legend

Parcels



830

0.0 Miles

0.02

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: 1,128