



CASE NO. 1425

DATE OF HEARING 11/17/22

Town of Aurora Zoning Board of Appeals  
575 Oakwood 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 BENNETT R. LITTLE  
Address 1054 OLEAN RD  
City EAST AURORA State NY ZIP 14052  
Phone 716 Fax \_\_\_\_\_ Email hotmail.com  
Interest in owner/purchaser/developer

#### III. PROPERTY OWNER INFORMATION (If different from applicant information.) 1/3 OWNER

Property Owner(s) Name(s) THOMAS H. PARK  
Address 1054 OLEAN ROAD  
City EAST AURORA State NY ZIP 14052  
Phone 716 Fax \_\_\_\_\_ Email THOMAS@DESIGN.COM

#### III. PROPERTY INFORMATION

Property Address 1054 OLEAN RD  
SBL# 188.01-2-17  
Property size in acres 0.3906 Property Frontage in feet 131.9'  
Zoning District \_\_\_\_\_ Surrounding Zoning \_\_\_\_\_  
Current Use of Property ARTISAN GALLERY AND 2 CABINET/FURNITURE SHOPS

#### IV. REQUEST DETAIL

(check all that apply)  
 Variance from Ordinance Section(s) # \_\_\_\_\_  
 Special Use Permit for: TO DIVIDE PROPERTY AND OWNERSHIP  
 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)

*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)

**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)

*Bennett R. Little*  
\* *Thomas H. Pafik*  
\_\_\_\_\_  
Signature of Applicant/Petitioner  
**BENNETT R. LITTLE**  
\* **THOMAS H. PAFIK**  
\_\_\_\_\_  
Print name of Applicant/Petitioner

State of New York; County of Erie

On the 28<sup>th</sup> day of September 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.

*Julie M. Mazurkiewicz (Notary)*  
\_\_\_\_\_  
Notary Public

(Notary stamp)

JULIE M. MAZURKIEWICZ  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 01MA6161125  
QUALIFIED IN ERIE COUNTY  
COMMISSION EXPIRES 02/20/20 23

-----  
Office Use Only: Date received: 10/14/22 CK 608 Receipt #: 568032

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 \_\_\_\_\_

Letter of Intent from Bennett R. Little and Thomas H. Pafk concerning the approval of an area variance to property at 1054 Olean Rd. East Aurora, NY. 14052.

The property at 1054 Olean Rd, East Aurora, NY was purchased by Tom and Elaine Harris in 1984. Tom converted the 1850's one room schoolhouse to a cabinet shop where Tom created one of a kind pieces of furniture. Tom became a Roycroft Master Artisan and shortly thereafter in 1988 was joined by Ben Little. Tom and Ben became partners and Ben and his wife Karen financed the construction of a shop, located behind the schoolhouse. Thomas Pafk was invited to finance and build a second cabinet shop behind Tom and Ben's shop in 1999. Tom, Ben and Thomas became one third partners, running two separate businesses: Schoolhouse Gallery and Cabinet Shop and Thomas Pafk Design.

Tom Harris retired in 2011 and Ben bought out his third share, becoming a two thirds partner with Thomas Pafk. Ben retired at this time but has retained ownership and continues to use his shop, designing and building furniture for family and friends. Ben uses the shop from May through September. He and his wife reside in Frisco, Colorado from October until May.

Throughout Ben, Tom, and Thomas' three careers, they kept Roycroft working artisans "alive" in East Aurora, through our shops and Gallery and our involvement in other activities with the Roycroft Campus, the Aurora Historical Society, the Iroquois and East Aurora School Districts. They sponsored many other events on behalf of the Community.

As Ben and his wife, Karen, approach their 80<sup>th</sup> birthdays, it is time to plan for the future. In the past four years, we brought Erie County Water into the property and added a full bathroom in Ben's shop. A Sand Filter was also added. Accommodation was made so Thomas Pafk could bring water and sewer into his shop in the future.

Our request for an area variance is aimed to achieve these goals:

- Division of the existing property into two parcels. This will protect Thomas Pafk, creating his own parcel and give Ben and Karen an opportunity to sell the other parcel which will include Ben's shop and the Historic Schoolhouse.
- Ben's interest is twofold: protect Thomas Pafk and his business and, hopefully, locate a person or persons interested in keeping Ben's cabinet shop and the Schoolhouse Artisan Gallery as they are today.
- Ben would also like to see the Historic Schoolhouse become part of the East Aurora Historical Society, many years down the road.

We also understand that, in the future, there will have to be additional easements submitted between the two properties if our request is approved.

Thanks for your consideration regarding this request.

Ben Little

Thomas Pafk

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



TOWN CLERK  
Martha L. Libroek  
(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

Charles D. Snyder  
[csnyder@townofaurora.com](mailto:csnyder@townofaurora.com)

Luke Wochensky  
[lwochensky@townofaurora.com](mailto:lwochensky@townofaurora.com)

James F. Granville  
[jgranville@townofaurora.com](mailto:jgranville@townofaurora.com)

Joseph M. McCann  
[jmccann@townofaurora.com](mailto:jmccann@townofaurora.com)

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

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

ASSESSOR  
Roger P. Pigeon  
[assessor@townofaurora.com](mailto:assessor@townofaurora.com)  
(716) 652-0011

DIR. OF RECREATION  
Christopher Musshafen  
(716) 652-8866  
[chris@townofaurora.com](mailto: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](mailto:historian@townofaurora.com)

FAX: (716) 652-3507

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

October 13, 2022

Bennett Little and Thomas Pafk  
1054 Olean Rd  
East Aurora, NY 14052

Tom and Ben:

The Building Department has reviewed request to split the parcel at 1054 Olean Rd. The request has been denied because it fails to meet the code requirements for the C2 Zoning District in which it is located.

Lot A:

Section 116-8.6F(1)  
Required: Frontage along all or parallel to the ROW of 100'  
Requested: Lot frontages of 70.50'  
Variance: 29.5'

Section 116-8.6 F(2)  
Required: Lot area minimum of 32,670 sqft or .75 Ac  
Requested: Area of 17,013 sqft or .39 Ac  
Variance: 15,657 sqft or .36 Ac

Section 116-8.6H(2)  
Required: Each side yard when used for commercial buildings in a C-1 or C-2 District shall be a distance equal to or greater than the mean height of the building **but not less than 30'**  
Requested: Side yard setback for existing building of 14.81'  
Variance: 15.19'

Lot B:

Section 116-8.6F(1)  
Required: Frontage along all or parallel to the ROW of 100'  
Requested: Lot frontages of 61.40'  
Variance: 38.6'

Section 116-8.6 F(2)  
Required: Lot area minimum of 32,670 sqft or .75 Ac  
Requested: Area of 19,156 sqft or .43 Ac  
Variance: 13,514 sqft or .32 Ac

Section 116-8.6H(2)

Required: Each side yard when used for commercial buildings in a C-1 or C-2 District shall be a distance equal to or greater than the mean height of the building **but not less than 30'**

Requested: Side yard setback for existing building of 7'

Variance: 23'

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, appearing to read 'Elizabeth Cassidy', written over the printed name.

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](http://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 1 - 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** 11/17/2022                      **Time** 7:00pm                      **Location** 575 Oakwood Ave., E. Aurora, NY

**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: 1054 Olean Road

**5a. S.B.L. of Property:** 188.01-2-17

**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:**                      *(specify the action, such as the scope of variances or site plans)*                      Proposing to split a conforming lot into two lots whose frontages, lot areas, and side yard setbacks are less than allowed by Town Code; and building height variance is required for one of the structures on a proposed lot

**8. Other remarks:** \_\_\_\_\_

**9. Submitted by:** Martha Librock, Town Clerk                      **Email:** townclerk@townofaurora.com

**10. Return Address:** 575 Oakwood Ave., 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.

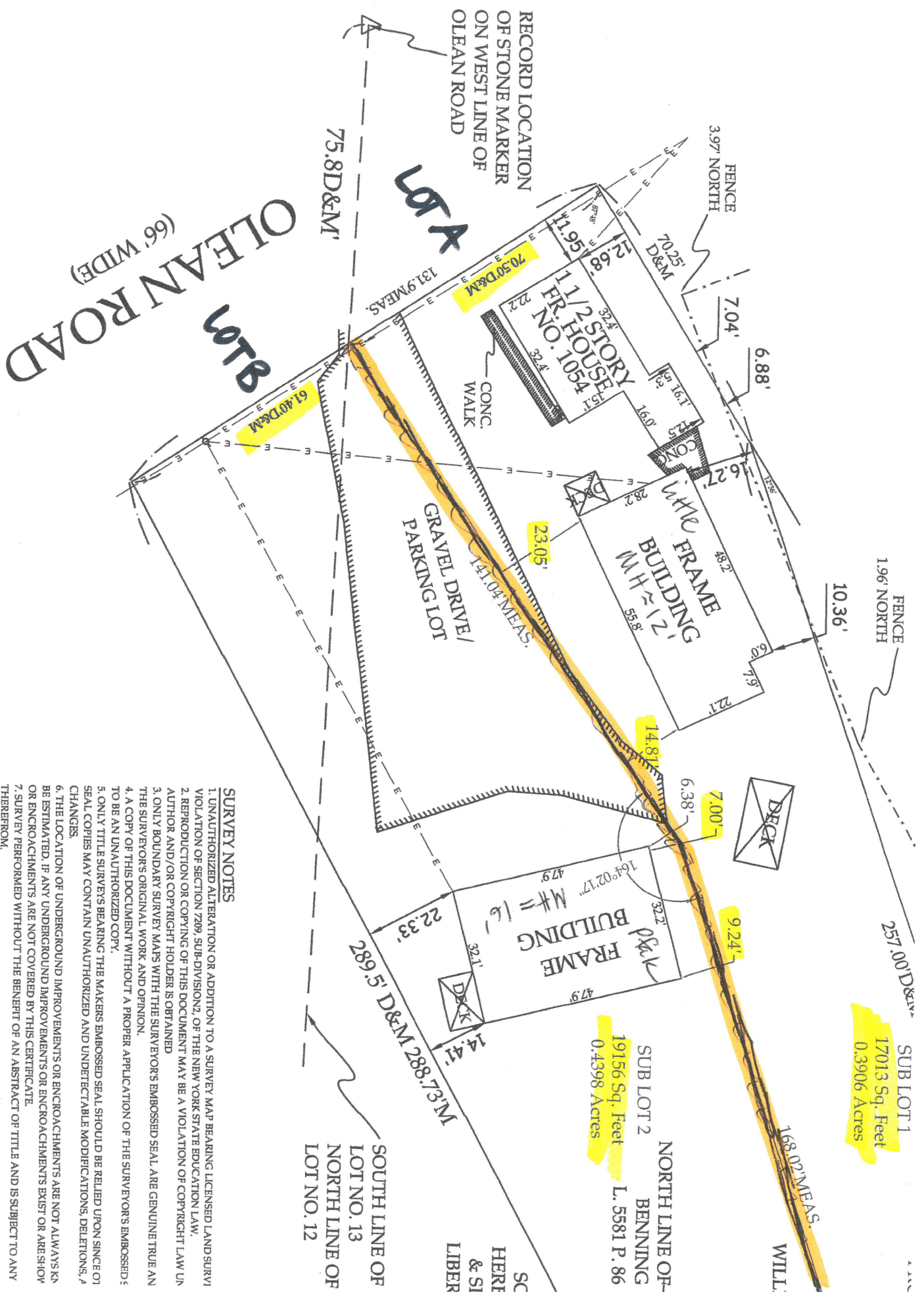
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
SCHOOLHOUSE GALLERY PROPERTY DIVISION			
Name of Action or Project: VARIANCE PROJECT			
Project Location (describe, and attach a location map): 1054 OLEAN RD - SEE SURVEY ATTACHED			
Brief Description of Proposed Action: DIVIDE EXISTING PROPERTY - SEE ATTACHED LETTER.			
Name of Applicant or Sponsor: BEN LITTLE, THOMAS PARK		Telephone: 7	
		E-Mail: pa <span style="float: right;">tmz1.com</span>	
Address: 1054 OLEAN RD			
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"/> YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government 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?		.3906 acres	
b. Total acreage to be physically disturbed?		NONE acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		NONE acres	
4. Check all land uses that occur on, are adjoining or 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			

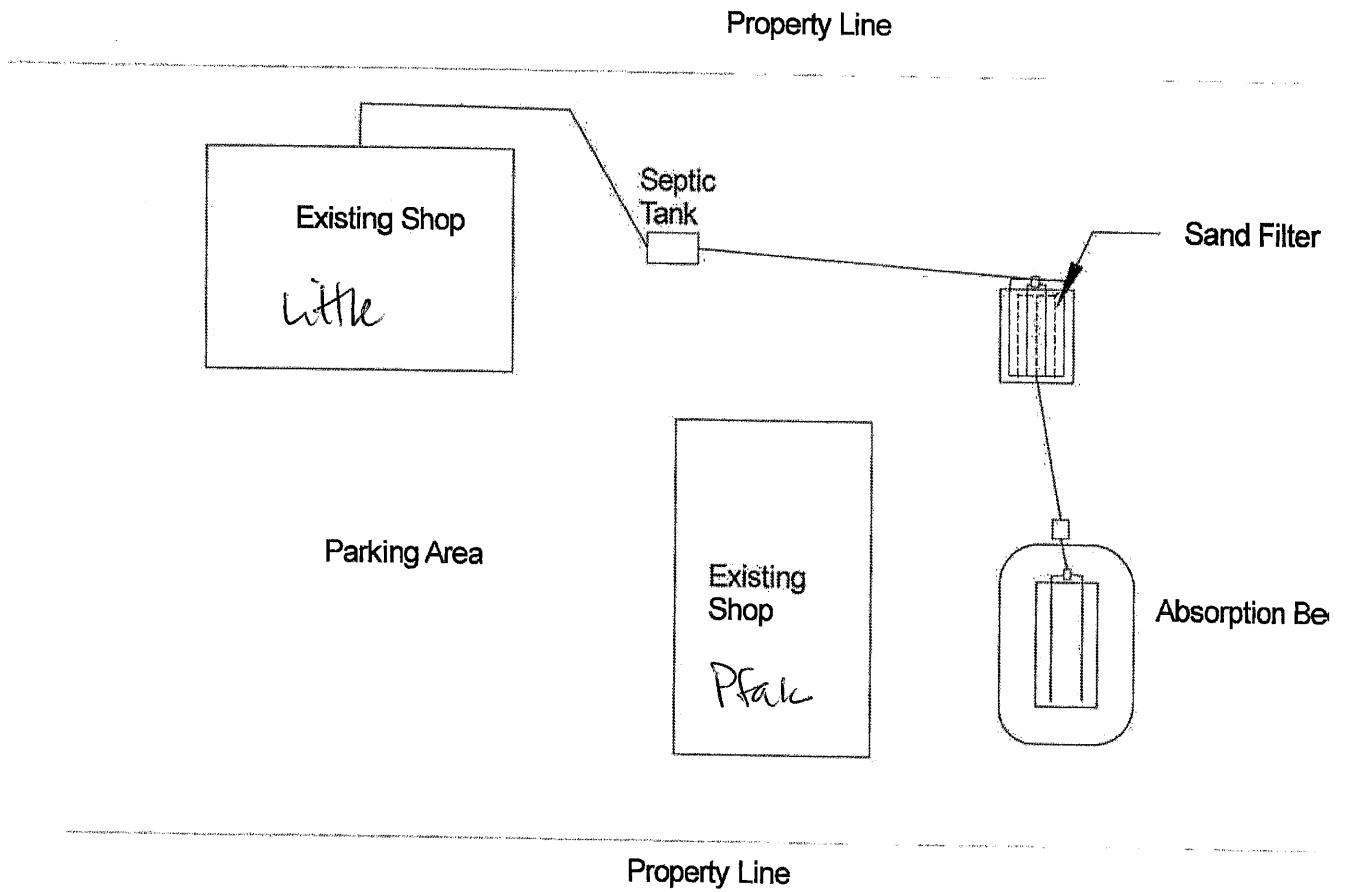


5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<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: _____ <i>NA</i> _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: <i>ALREADY DOES</i>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: <i>ON SITE SAND FILTER</i>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	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? 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 type="checkbox"/>	<input checked="" type="checkbox"/>	
	<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 checked="" 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 plan?	NO	YES
DONT KNOW ?	<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,	NO	YES
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input 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"/>	<input type="checkbox"/>
_____		
_____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
_____	<input checked="" type="checkbox"/>	<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	YES
_____	<input checked="" type="checkbox"/>	<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	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
_____		
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor/name: <u>Bennett R Little</u> Date: <u>9/29/22</u> Signature: <u>[Signature]</u> Title: <u>OWNERS</u>		



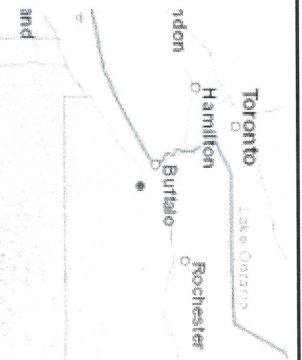
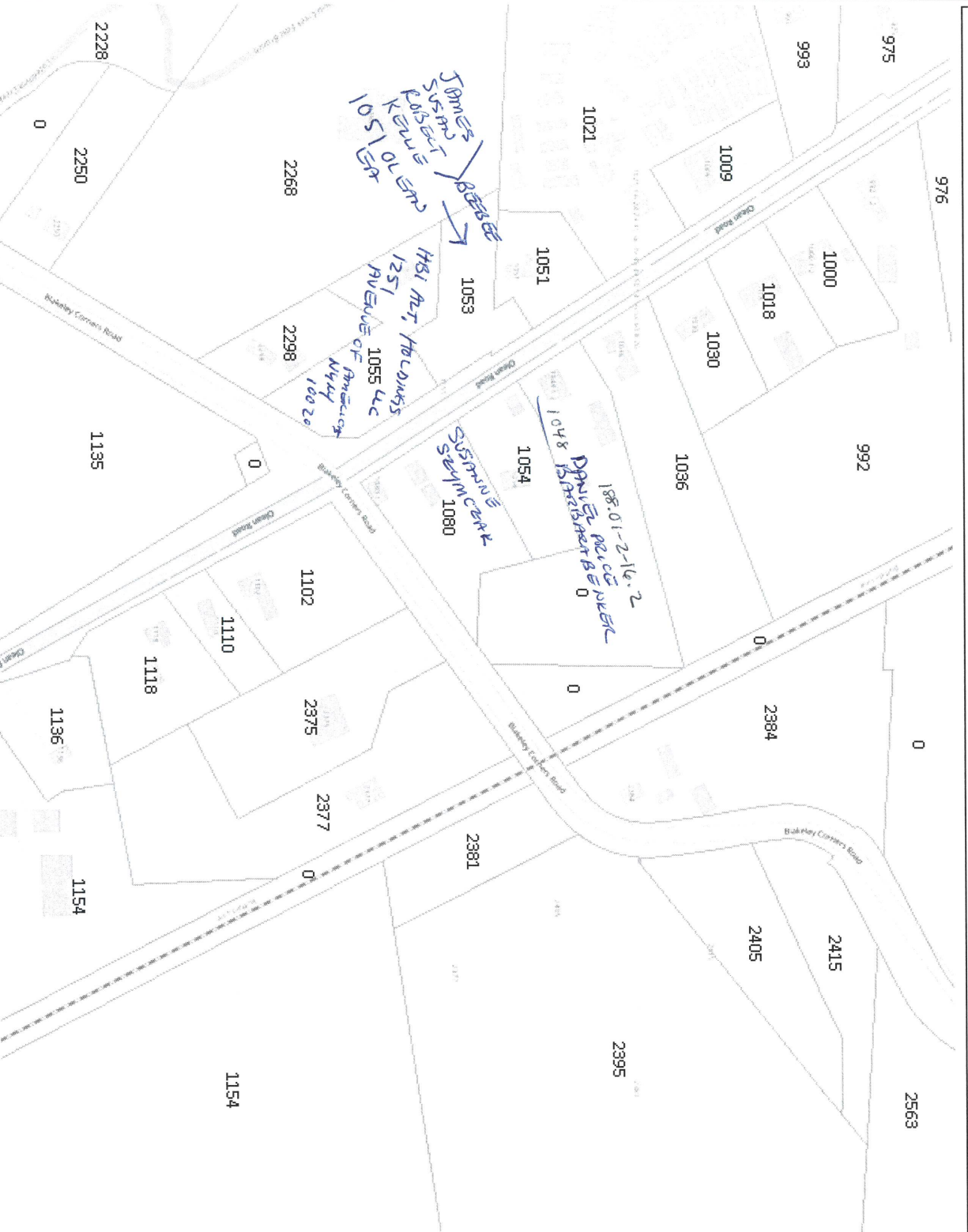
- SURVEY NOTES**
1. UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING LICENSED LAND SURVEY VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.
  2. REPRODUCTION OR COPYING OF THIS DOCUMENT MAY BE A VIOLATION OF COPYRIGHT LAW UNLESS THE SURVEYOR'S ORIGINAL WORK AND OPINION.
  3. ONLY BOUNDARY SURVEY MAPS WITH THE SURVEYOR'S EMBOSSED SEAL ARE GENUINE TRUE AND CORRECT.
  4. A COPY OF THIS DOCUMENT WITHOUT A PROPER APPLICATION OF THE SURVEYOR'S EMBOSSED SEAL IS UNAUTHORIZED COPY.
  5. ONLY TITLE SURVEYS BEARING THE MAKERS EMBOSSED SEAL SHOULD BE RELIED UPON SINCE OTHER SEAL COPIES MAY CONTAIN UNAUTHORIZED AND UNDETECTABLE MODIFICATIONS, DELETIONS, OR CHANGES.
  6. THE LOCATION OF UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS ARE NOT ALWAYS KNOWN AND SHOULD BE ESTIMATED, IF ANY UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS EXIST OR ARE SHOWN ON THE SURVEY MAP.
  7. SURVEY PERFORMED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY DEFECTS THEREFROM.
  8. NO STAKES SET AS PER CONTRACT.
  9. THIS SURVEY NOT VALID WITH AFFIDAVIT OF NO CHANGE.
  10. THIS SURVEY NOT VALID FOR SUBSEQUENT OWNERS, MORTGAGES OR TITLE INSURERS UNLESS REFERRED BY THIS SURVEYOR.



AS BUILT FOR 1054 OLEAN ROAD  
(Scale 1" = 30')



# Erie County On-Line Mapping Application



### Legend

- Parcels



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 : 4,514

