



CASE NO. 1430

DATE OF HEARING 4.20.2023

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 Dale + Rachael Eckert
Address 2015 Cornwall Rd
City South Wales State ny ZIP 14139
Phone [redacted] Fax [redacted] Email red [redacted] com
Interest in [redacted] (owner/purchaser/developer) owners

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 2015 Cornwall Rd, South Wales ny 14139
SBL# 201.00-3-9
Property size in acres 1 Property Frontage in feet 140'
Zoning District RR Surrounding Zoning RR/A
Current Use of Property Residence

IV. REQUEST DETAIL

(check all that apply)
 Variance from Ordinance Section(s) # 116-8.4 B(2) & 116-18 B; 116-17 D.
 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)

Dale Eckert / Rachael Eckert
Signature of Applicant/Petitioner

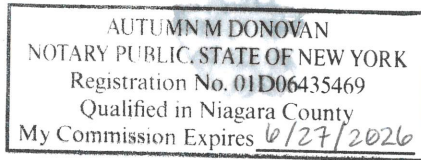
Dale Eckert / Rachael Eckert
Print name of Applicant/Petitioner

State of New York; County of Erie

On the 9th day of March in the year 2023 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.

AA 3/9/23
Notary Public

(Notary stamp)



Office Use Only: Date received: 3/9/23 Receipt #: 568185 cash
3/10/23

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 are requesting a variance approval for a 14' entry door on a 40x60 pole barn we are building. The large door will be used to access storage for some vintage cars, a boat and a large enclosed trailer. We are also shipping for a RV/camper for our family which will need to be stored in the winter months.

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
575 Oakwood 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:

2015 Cornwall Rd. S. Wales NY 14139, identified as Tax Map (SBL)# 201.00-3-9
(address)

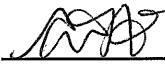
hereby authorizes Rachael Eckert Dale A. Eckert to bring an application for area variance
 special use permit use variance interpretation before the Town of Aurora Zoning Board of
Appeals for review and potential approval. The undersigned further permits the Town or its authorized
representative(s) access to the property to review existing site conditions during the review process.

Dale A Eckert / Rachael Eckert
Owner (print) 3/9/23
Date

Dale A Eckert / Rachael Eckert
Owner (signature)

STATE OF NEW YORK)
) SS
COUNTY OF ERIE)

On this 9th day of March, 2023, before me, the undersigned, a notary public in and for said state,
personally appeared Dale + Rachael Eckert, 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.

 3/9/23
Notary Public

AUTUMN M DONOVAN
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01D06435469
Qualified in Niagara County
My Commission Expires 6/27/2026

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

March 10, 2023

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

Dale and Rachael Eckert
2015 Cornwall Rd
South Wales, NY 14139

Dale and Rachael:

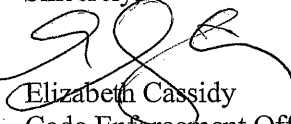
The Building Department has reviewed your request to construct detached garage and lean-to at your residence at 2015 Cornwall Rd. The request has been denied because it fails to meet the requirements for accessory buildings in the Rural Residential zoning district in which it is located.

Section 116-8.4B(2) &
Required: Maximum mean height of accessory buildings is one story not to exceed 15 feet
Requested: Accessory building with a mean height of 19.3'
Variance: 4.3'

Section 116-17D
Required: Accessory uses shall not include a private garage with vehicular entrance headroom of more than 10'
Requested: Accessory building with 14' overhead door
Variance: 4'

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,


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 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** April 20, 2023 **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 Address: 2015 Cornwall Road, PO S. Wales

5a. S.B.L. of Property: 201.00-3-9

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: proposed accessory building and garage doors taller than allowed by Town Code
(specify the action, such as the scope of variances or site plans)

8. Other remarks: _____

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

10. Return Address: 575 Oakwood Avenue, E. 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.

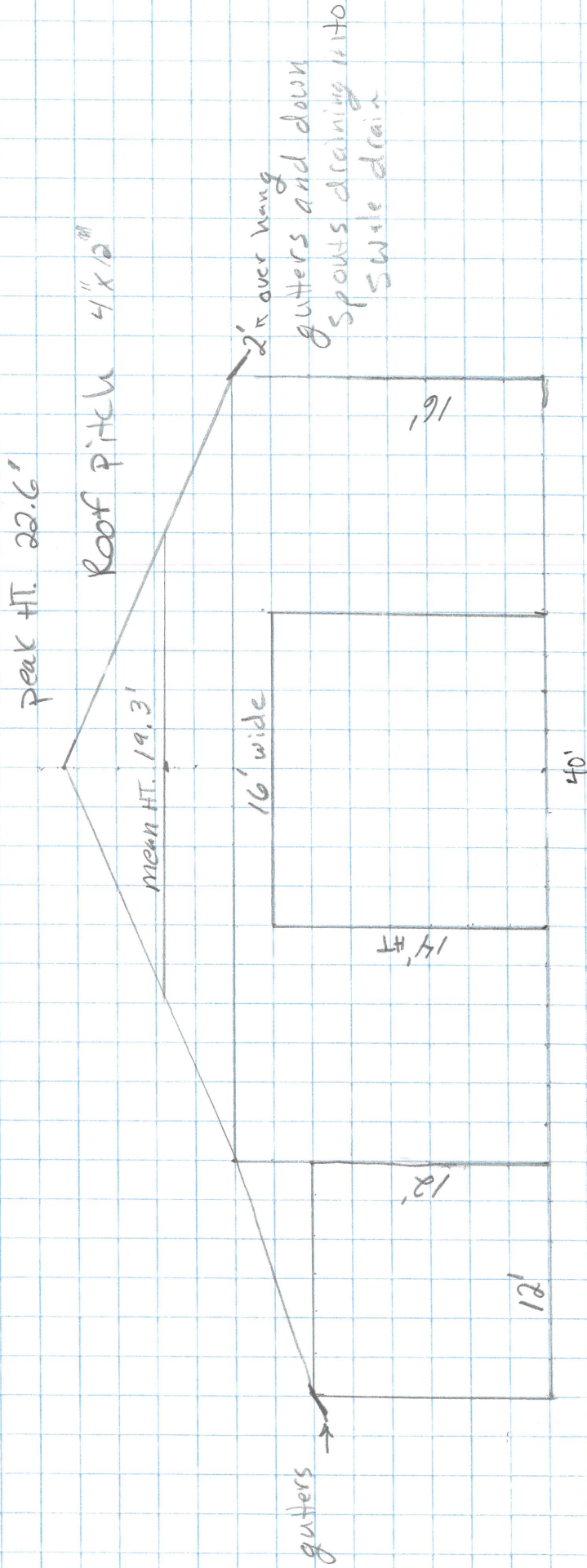
Part 1 – Project and Sponsor Information			
Name of Action or Project: <i>Build of a pole barn (40x60) with a 14' entry door</i>			
Project Location (describe, and attach a location map): <i>back right corner of property - see map</i>			
Brief Description of Proposed Action: <i>Build of a 40x60 pole barn with 14' alum. door to be used for cold storage of cars, boat & trailer.</i>			
Name of Applicant or Sponsor: <i>Dale A. Eckert</i>		Telephone: [REDACTED]	
		E-Mail: <i>a [REDACTED]@ail.com</i>	
Address: <i>2015 Cornwall Rd.</i>			
City/PO: <i>S Wales</i>		State: <i>ny</i>	Zip Code: <i>14139</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	YES
		<input checked="" type="checkbox"/>	<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	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		<u>1</u> acres	
b. Total acreage to be physically disturbed?		<u>.06</u> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>1</u> acres	
4. Check all land uses that occur on, are adjoining or 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,	NO	YES	N/A
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 type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NO
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	YES
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	YES
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: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NO
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: <u>not needed, home will be used</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: <u>not needed, home to be used</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	YES
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NO
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	YES
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

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 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
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If Yes, briefly describe:		
<i>A swale drain will be integrated parallel to the property line to discharge water to the road ditch.</i>		
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)?	NO	YES
If Yes, explain the purpose and size of the impoundment:	<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?	NO	YES
If Yes, describe:	<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?	NO	YES
If Yes, describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Dale A. Eckert / Rachael Eckert</u> Date: <u>3/9/23</u> Signature: <u>Dale A. Eckert / Rachael Eckert</u> Title: <u>Property Owners</u>		

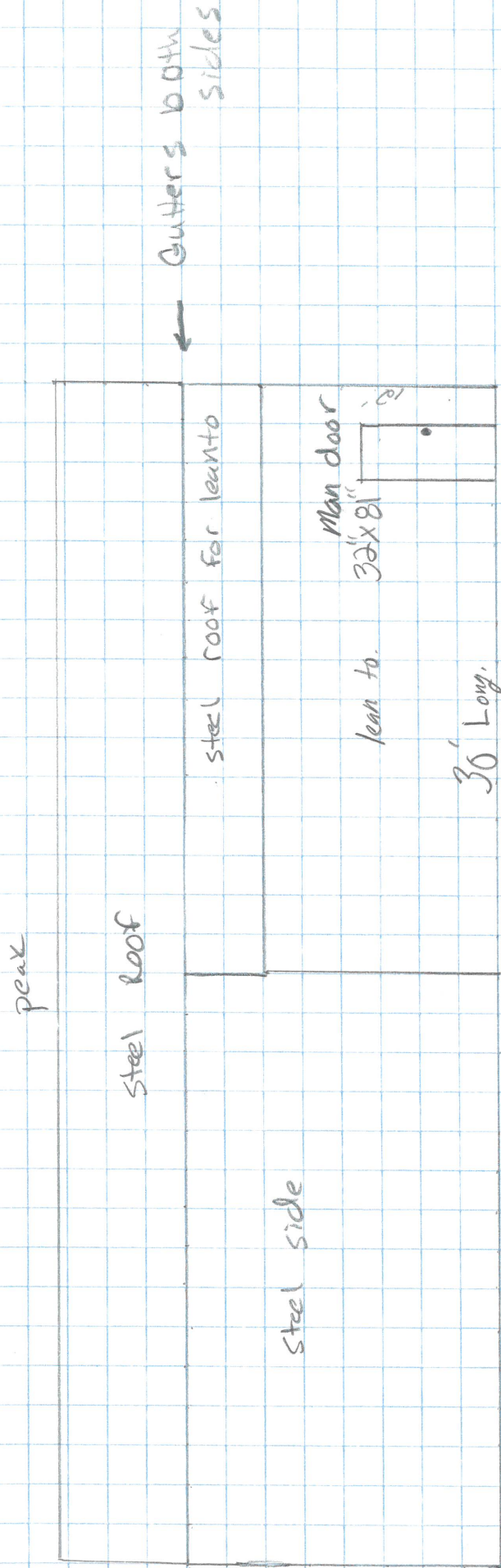
FRONT View

- steel Roof
- steel Siding
- wood frame
- pre fab truss
- 1 man door (left side) 32" x 91"
- 1 14x16' over head door (front)
- 1 8'x8' over head door (Back)
- Stone floor



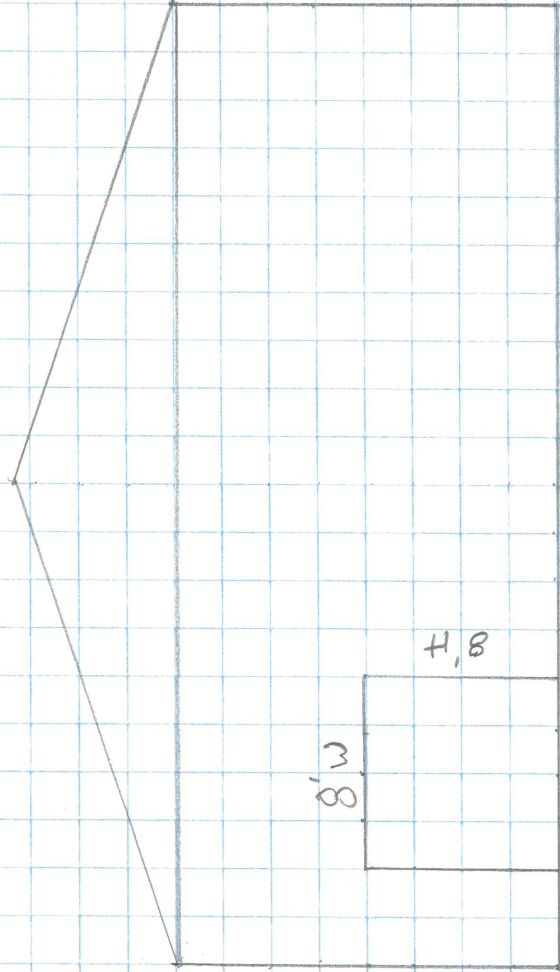
2' per Square

Left Side View



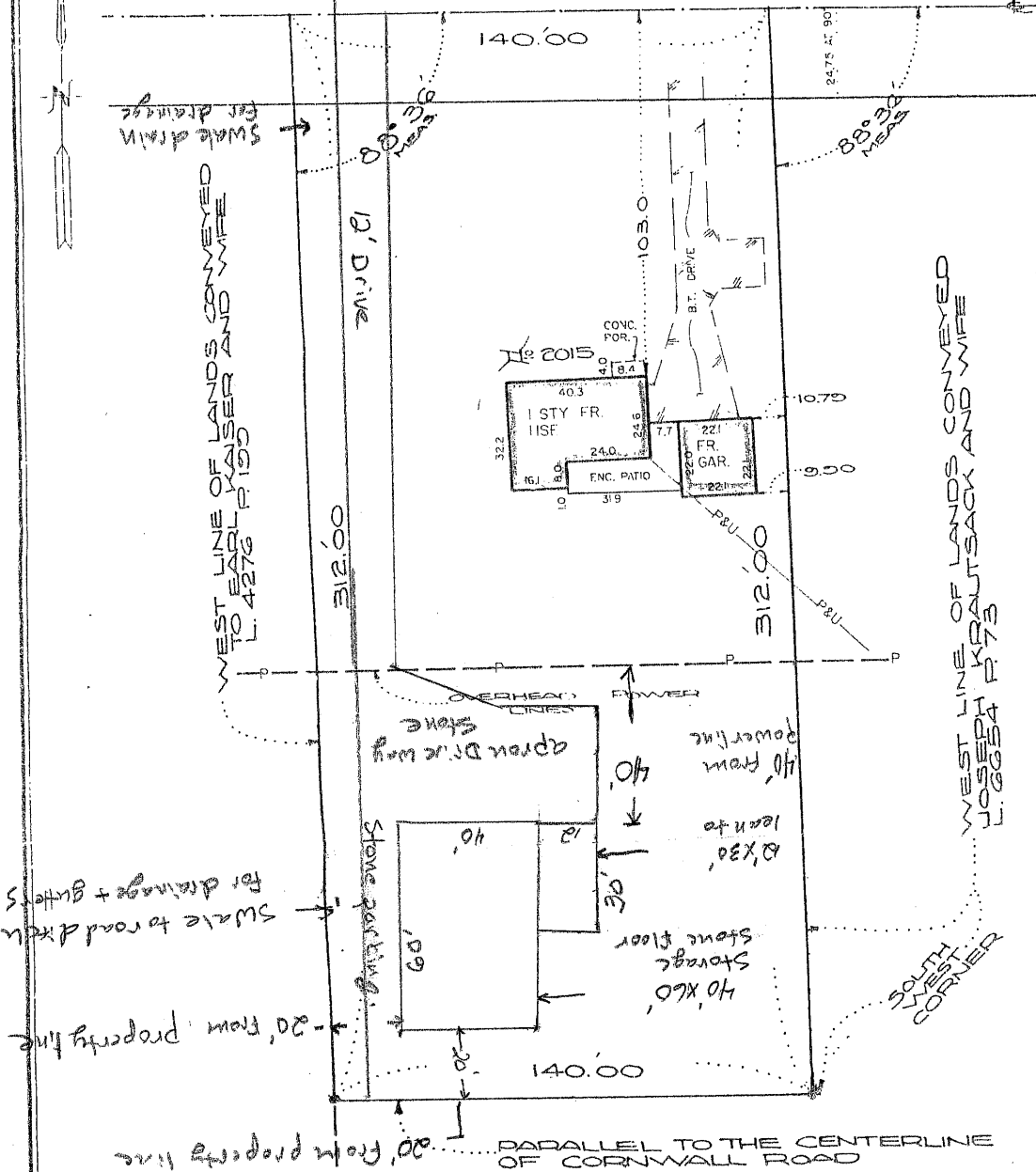
2' per square

Back View



over head door

CORNWALL ROAD 49.50 WIDE



PART OF LOT 10, T. 9, R. 6
TOWN OF AURORA
ERIE COUNTY, NEW YORK


I HEREBY CERTIFY TO
THE BANK OF CASTILE, its successors and/or assigns
COMMONWEALTH LAND TITLE INSURANCE COMPANY
JEFFREY E. ERICKSON, ESQ.
THAT IN MY PROFESSIONAL OPINION, THIS SURVEY WAS PREPARED IN ACCORDANCE
WITH THE CURRENT CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY THE
NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS. THIS SURVEY
IS CERTIFIED TO THOSE NAMED ABOVE DURING THE PERIOD THAT THE CURRENTLY
ISSUED TITLE INSURANCE POLICY IS IN EFFECT ONLY. NO CERTIFICATION WHATSOEVER
IS EXTENDED TO SUBSEQUENT OWNERS, MORTGAGEES OR TITLE INSURORS, UNLESS
THIS SURVEY HAS BEEN REPEATED FOR THIS PURPOSE BY THE SURVEYOR.

Paul H. Kuster P.L.S. #49969

NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY MAP IS A VIOLATION OF SECTION 7209, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW

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

Paul H. Kuster P.S.

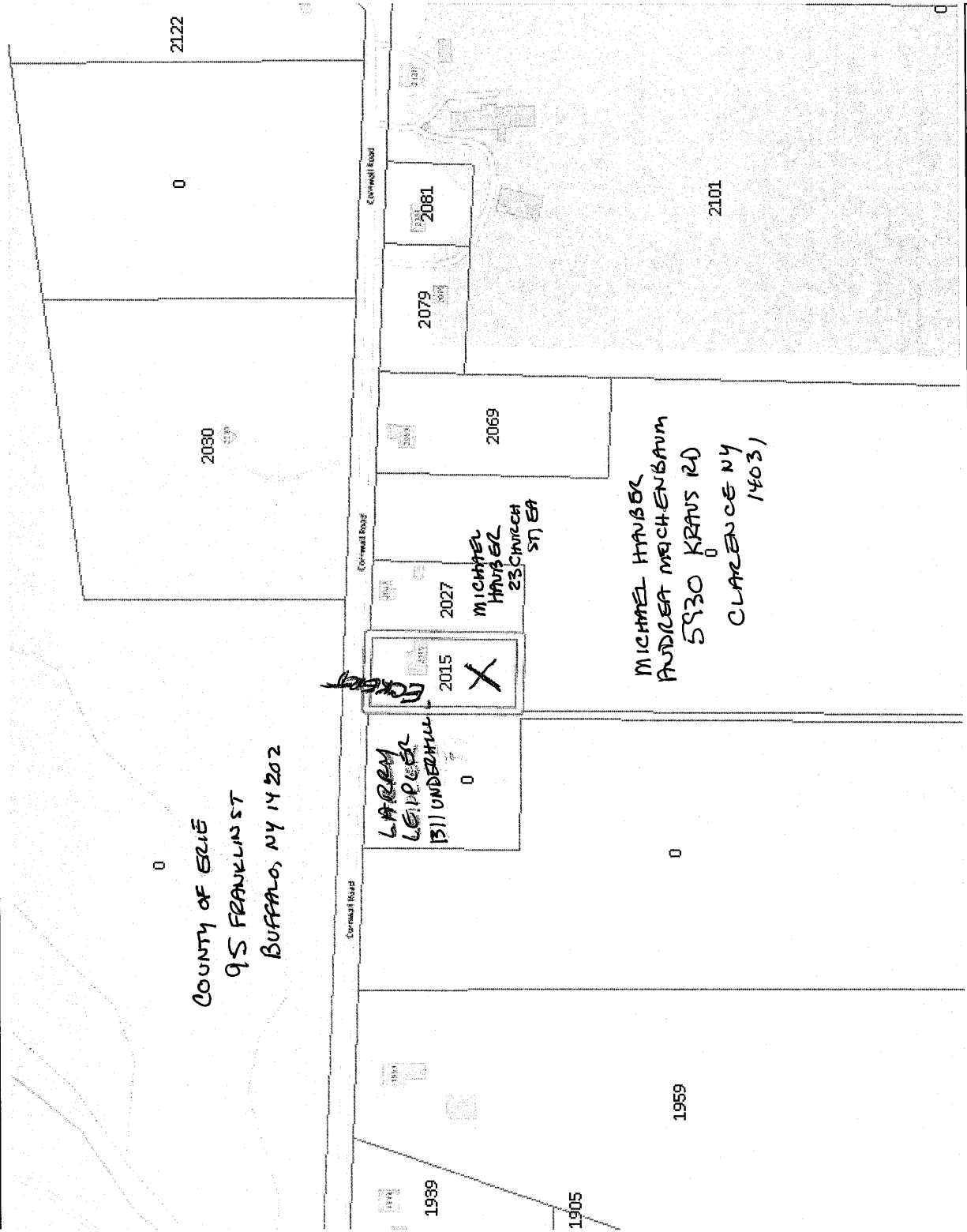
 <p>NEWTON LAND SURVEYING</p> <p>East Aurora P.O. Box 723, East Aurora, NY 14052-0723 Phone 716-652-1441, Fax 716-646-1657</p> <p>Successor To Records Of A.S. Kuster, Est. 1922 I.S. Basinski, Est. 1950 J. Devlin, Est. 1945 G. Houlston, Est. 1904 W.J. Newton, Est. 1960</p>	REF 75-147
	DATE MAY 14, 1996
	SCALE 1 IN. = 40'
	JOB NO. 9600146
	TM. 20100-3-9

N.Y.S. P.L.S. SEAL #49969
NOTE: PREMISES SUBJECT TO ALL EASEMENTS OF RECORD



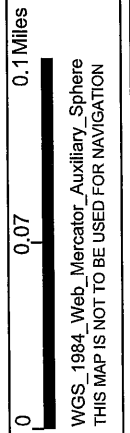
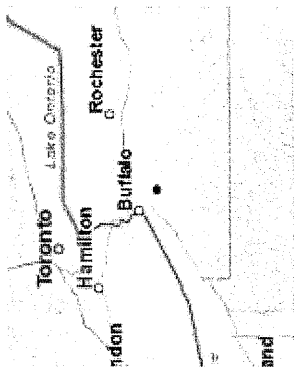
Erie County On-Line Mapping Application

COUNTY OF ERIE
95 FRANKLIN ST
BUFFALO, NY 14202



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

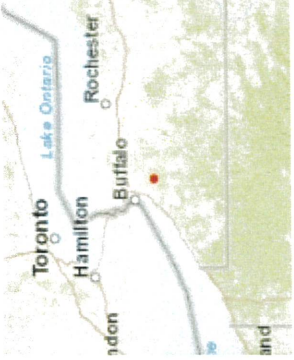
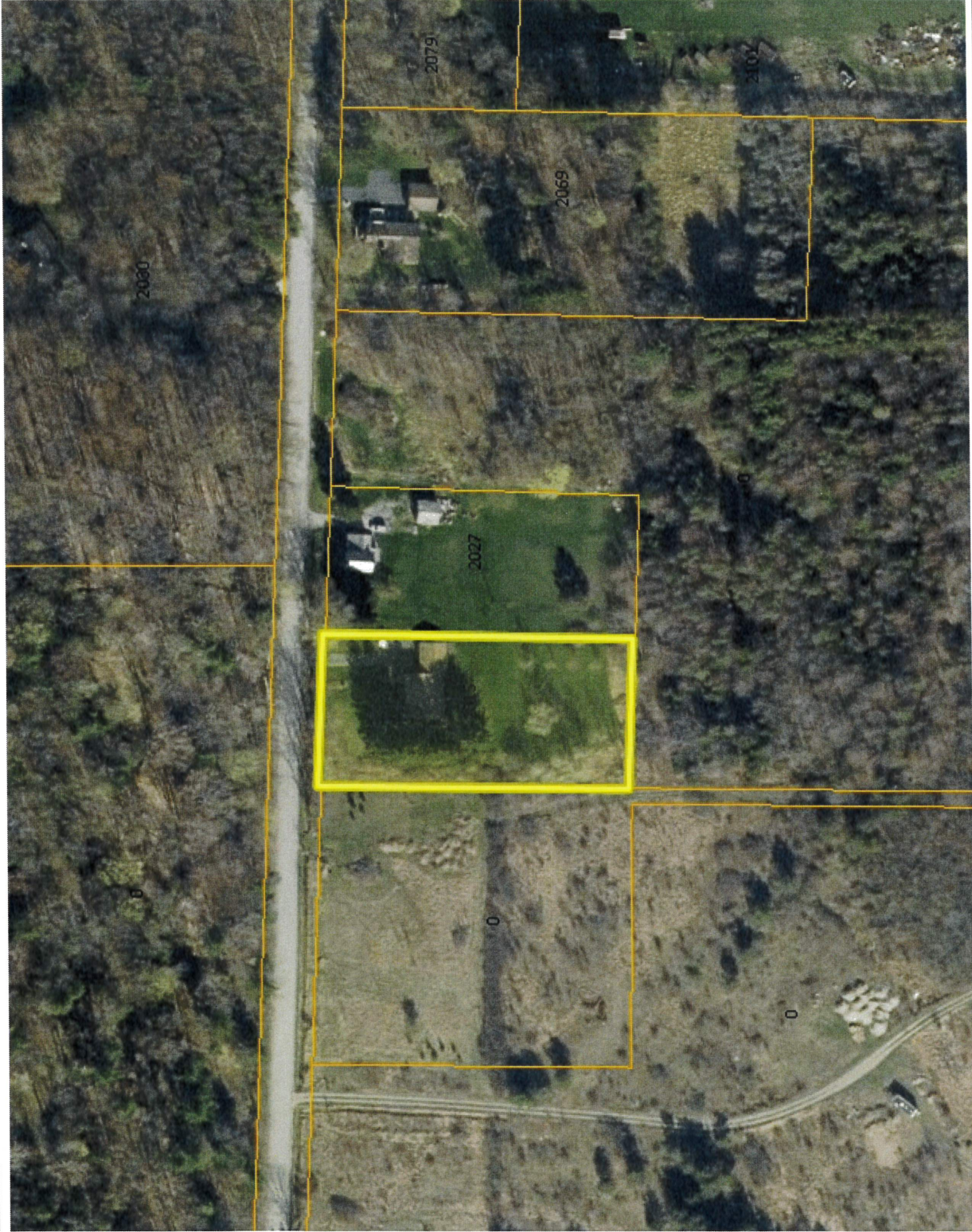
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

1: 4,514





Erie County On-Line Mapping Application



Legend

□ Parcels

0 0.04 0.1 Miles
 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: 2,257