

OK as to form only

TOWN OF AURORA
Zoning Board of Appeals Request

PAID
7500

Building Application # _____
Building Permit # _____

Zoning Appeal Case No. 1232
Date 1-15-2015

TO THE ZONING BOARD OF APPEALS, TOWN OF AURORA, NEW YORK

I, (we) ADAM OLEKSY of 1100 UNDERHILL ROAD 14052
HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FROM THE DECISION OF THE BUILDING
INSPECTOR on APPLICATION NO. _____ WHEREBY THE BUILDING INSPECTOR DID DENY

TO ADAM OLEKSY
Name of Applicant

OF 1100 UNDERHILL EAST AURORA NY
(Street & Number) (Municipality) (State)

- A PERMIT FOR USE
- A VARIANCE FROM ZONING ORDINANCE
- A TEMPORARY PERMIT OR EXTENSION THEREOF
- A CERTIFICATE OF EXISTING USE
- A PERMIT FOR OCCUPANCY

1. LOCATION OF THE PROPERTY Part of 1100 Underhill
SBL # 188.01-1-27.3 ZONING DISTRICT A

2. PROVISION(S) OF THE ZONING ORDINANCE APPEALED. (Indicate the Article, section, sub-section, and paragraph of the Zoning Ordinance being appealed, by number. Do not quote the Ordinance)

44-1A

3. TYPE OF APPEAL. Appeal is made herewith for:
 An interpretation A variance - to the Zoning Ordinance
 An exception A temporary permit

4. A PREVIOUS APPEAL () has () has not been made with respect to this decision of the Building Inspector or with respect to this property

NAMES AND ADDRESSES OF OWNERS OF ABUTTING PROPERTIES ARE:
See attached list marked as an exhibit.

STATE OF NEW YORK
COUNTY OF ERIE
Town of Aurora

[Signature]
Signature(s)
1100 UNDERHILL ROAD EAST AURORA 14052
Mailing Address

Adam Oleksy, being duly sworn, deposed and says that he is the petitioner in this action; that he has read the foregoing Request and knows the contents thereof; that the same is true to the knowledge of deponent.

Sworn to before me this 11th
day of December, 14

[Signature]
NOTARY PUBLIC

MARTHA L. LIBROCK
COMM. #01LI5028312
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES MAY 31, 2018

Paid 12/11/14
7500
Rept # 687281

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

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.

DO NOT WRITE IN THIS SPACE

Case No.: _____

Received: _____

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** 1/15/2015 **Time** 7:00pm **Location** 300 Glead 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 Specific as follows part of 1100 Underhill Road

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: (be specific) Ingress/egress width less than allowed by Town code

8. Other remarks: (ID#, SBL#, etc.) 188.01-1-27.3

9. Submitted by: Martha L. Librock, Town Clerk 1/2/2015

300 Glead 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. 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: _____ **Date:** _____



Town of Aurora
300 Gleed Avenue
East Aurora NY 14052



Zoning Board of Appeals Petitioner's Letter of Intent

Applicants Name ADAM OLEKSY
 Address 1100 UNDERHILL ROAD , EA 14052
 Telephone 716 - 868 - 2778
PART OF 1100 UNDERHILL, BUT FRONTAGE NEAR
 Address of appeal V/L BETWEEN 946 AND 930 UNDERHILL ROAD
 Zoning District A
 Zoning Code Section 44-1A

Type of Appeal:

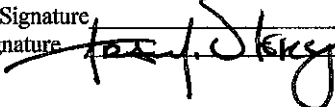
- A PERMIT FOR USE A CERTIFICATE OF EXISTING USE
 A VARIANCE FROM ZONING ORDINANCE A PERMIT FOR OCCUPANCY
 A TEMPORARY PERMIT OR EXTENSION THEREOF

GROUND FOR VARIANCE: (may continue on separate sheet)

I WISH TO SEPERATE A ^{ACRE} 2.06 A PARCEL OF LAND OF MY 6.87 ACRE PARCEL OF LAND. THIS PARCEL HAS ROAD FRONTAGE ON ~~THE~~ UNDERHILL ROAD, BUT ONLY HAS 30.0' OF LAND, NOT THE 50' FRONTAGE REQUIRED OF FLAG LOTS BY CURRENT ZONING LAW. I AM S SEEKING A VARIANCE TO ALLOW FOR MY 30' OF FRONTAGE TO BE ALLOWED. IT IS MY INTENT TO SELL THIS PARCEL AND HAVE THE BUYER BUILD A DRIVEWAY TO ACCESS A HOME ON THIS 2.06 ACRE PARCEL.

ACKNOWLEDGMENT:

Pursuant to Section 809 of the New York State General Municipal Law, the appellant shall state in his written appeal that to the best of his knowledge, no state officer or officer or employee of the Town of Aurora, has any interest in the appellant as defined in Section 809 of the General Municipal Law. If this statement cannot be made, the nature of any such interest must be disclosed as required by said State Law

Petitioners Signature  Date 12-10-14
 Owners Signature _____ Date _____

SUPERVISOR
James J. Bach
(716) 652-7590
jbach@townofaurora.com



TOWN CLERK
Martha L. Librock
(716) 652-3280
townclerk@townofaurora.com

TOWN OF AURORA
Southside Municipal Center
300 Glead Avenue, East Aurora, NY 14052
www.townofaurora.com

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Jeffrey P. Markello

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historian@townofaurora.com

FAX: (716) 652-3507
NYS Relay Number:
1(800) 662-1220

Adam Olesky
1100 Underhill Rd.
East Aurora, N.Y. 14052

12/16/2014


Re: Egress Width for proposed split at 1100 Underhill

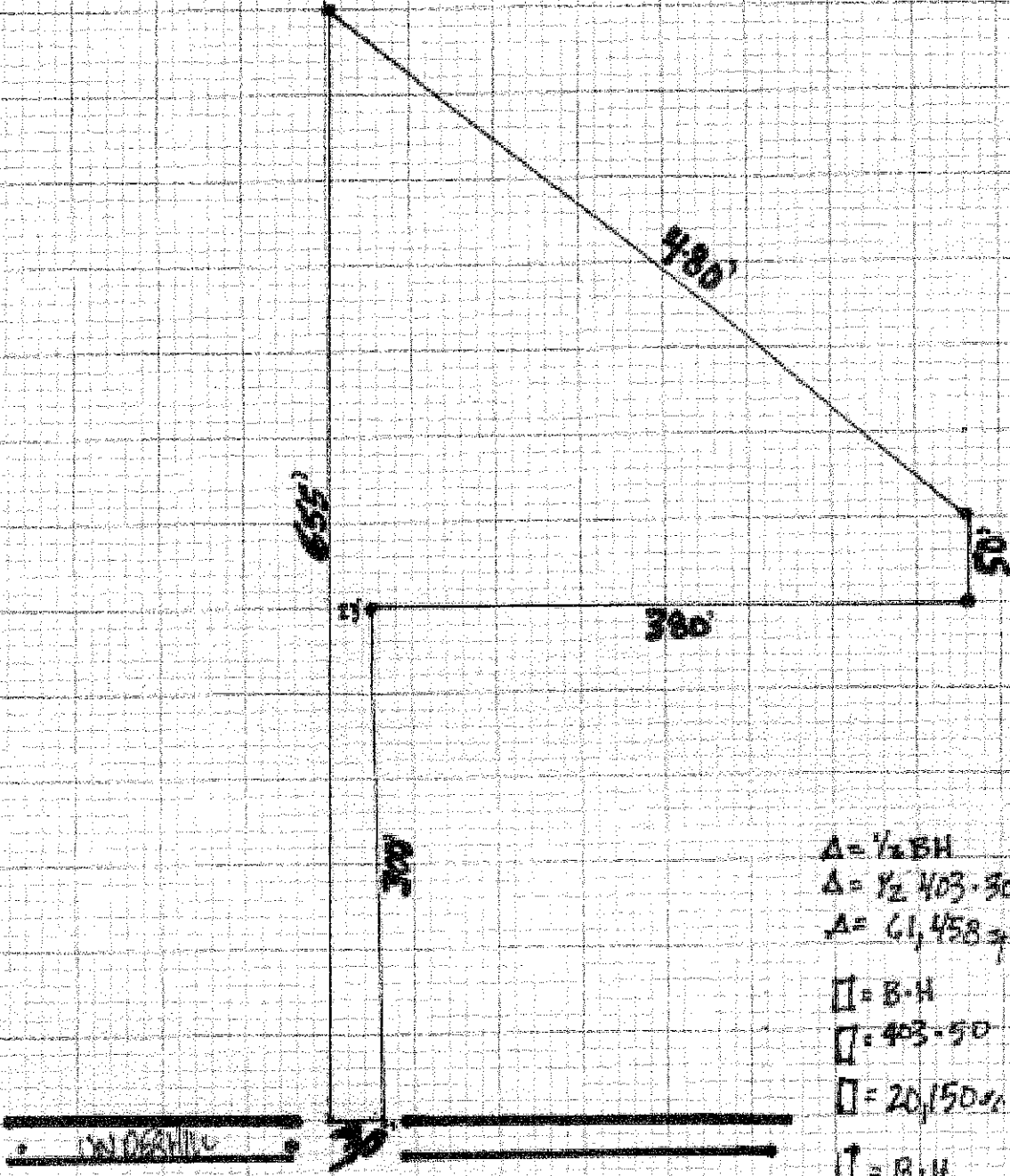
Adam,

After reviewing your survey it was determined that you lack the required road frontage at the street right of way for a legal building lot. To develop your lot you are required to proceed with an application for an Open Development Area. We are requesting that you first go to the Zoning Board of Appeals to request a variance for the required width of ingress and egress to your property as stated in Chapter 44 Section 1A & Chapter 79-6B 9(2)

Required: ingress and egress; 50 feet
Requested: 23 feet
Variance required: 27 feet

If you wish to pursue this matter further you must apply to the Town of Aurora Zoning Board of Appeals for an Area Variance. You must include your application, application fee, and any information you need to support your need for a variance from the Town Code. If you have any questions contact us at 652-7591.

William R. Kramer

Code Enforcement Officer

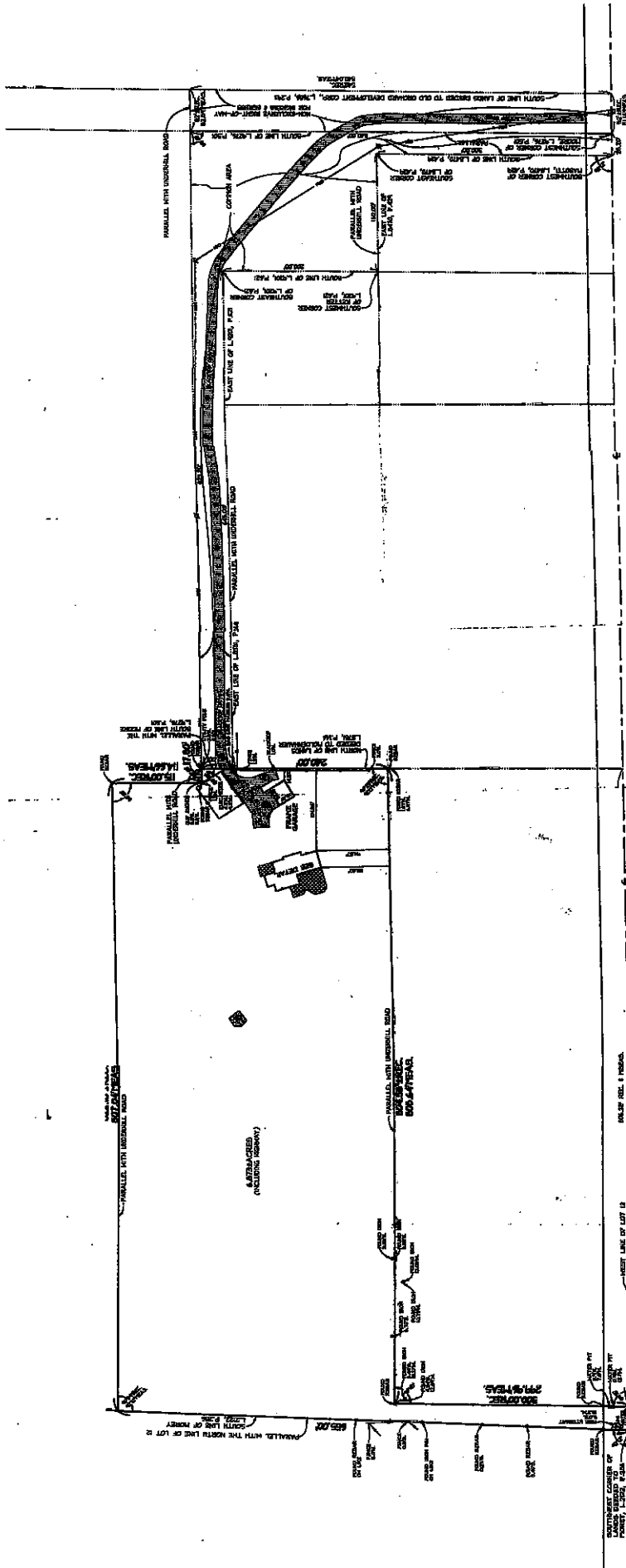


$$\Delta = \frac{1}{2} B \cdot H$$
$$\Delta = \frac{1}{2} 403 \cdot 380$$
$$\Delta = 61,458 \text{ sq. ft.}$$

$$\square = B \cdot H$$
$$\square = 403 \cdot 50$$
$$\square = 20,150 \text{ sq. ft.}$$

$$\square = B \cdot H$$
$$\square = 265 \cdot 300$$
$$\square = 7,950 \text{ sq. ft.}$$

89,558 TOTAL SQUARE FEET
2.04 TOTAL ACRES



SURVEY
1100 UNDERHILL ROAD

UNDERHILL (as laid) ROAD

CONTINUED COURSE OF
UNDERHILL ROAD
AS LAYED OUT
IN SURVEY OF
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Petitioner: Adam Olesky
1100 Underhill Rd
East Aurora, NY 14052

SBL#: 188.01-1-27.3

=====

Abutting Properties:

Mailing Address (if different)

SBL: 187.00-3-4
Stacy Judd Mosser
975 Underhill Rd

1272 Underhill Rd
East Aurora, NY 14052

SBL: 188.01-1-28.22
Helen Wylubski
VL Underhill Rd

914 Underhill Rd
East Aurora, NY 14052

SBL: 188.01-1-28.1
Samuel & Roberta Queer
930 Underhill Rd
East Aurora, NY 14052

SBL: 188.01-1-26
Beverly Baglio & James Pinney
946 Underhill Rd
East Aurora, NY 14052

SBL: 188.01-1-25
Gunther & Dorothy Piepke
956 Underhill Rd
East Aurora, NY 14052

SBL: 188.01-1-24
James & Carole Varner
972 Underhill Rd
East Aurora, NY 14052

SBL: 188.00-1-1.12
Mark & Katherine Moldenhauer
1014 Underhill Rd
East Aurora, NY 14052

SBL: 188.01-1-27.2
Mark & Kris Scrimshaw
1102 Underhill Rd
East Aurora, NY 14052

Adam Olesky

188.01-1-27.3
1100 Underhill Rd
EA

