

MINUTES OF A HEARING AS HELD BY THE
ZONING BOARD OF APPEALS OF THE
TOWN OF AURORA

February 16, 2023

CASE #1428-Marshall, Scott
1432 Emery Road, East Aurora, NY

The hearing was called to order by the Chairman Paul Ernst with the following Board members present:

Davis Heussler
Nancy Burkhardt
Rod Simeone
Stephanie Morgan, Alternate

Excused: Mandy Carl

Others Present: Paul Kielich, Assistant Code Enforcement Officer

The notice of public hearing was read by the Deputy Town Clerk. The notice was duly published in the East Aurora Advertiser as evidenced by the Affidavit of Publication, marked as exhibit 1. The Affidavit of Posting was marked as exhibit 2. The ZBA Application was marked as exhibit 3. The Petitioner's Letter of Intent was marked as exhibit 4. The Building Department's letter of determination was marked as exhibit 5. ECDP Form and Response was marked as exhibit 6. The Short Environmental Assessment Form was marked as exhibit 7. The Copy of the Survey was marked as exhibit 8. The List of abutting Property Owners was marked as exhibit 9. Construction Detail and Elevation Sketches were marked as exhibit 10. A Letter of Objection was marked as exhibit 11.

The Chairman opened the hearing with the Pledge of Allegiance to the Flag and stated the purpose and procedure of the hearing. Following the hearing a meeting would be held to render decision for a frontage/width variance for the flagpole portion of an Open Development Area lot and a side yard setback variance for an accessory at 1432 Emery Road, East Aurora, NY.

Marshall Scott Marshall 1432 Emery Road East Aurora, NY. I am trying to put up an accessory building in my side yard to house all of equipment that is currently outside. It was originally 40' by 40' but it is too small. I can't get one of the trucks or trailers in. It does not effect the variance in any way because it will be going farther north but it is going to be 40' by 45'. I already contacted the Building Department, and they already amended the new permit. It will match the house. Post and beam, concrete floor, heated, electricity and there will be no water. The only reason there is no other place to put it is because the septic system comes out to the back of the house and then there is a graded drop of about 7'.

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Simeone The modification is deeper?

Marshall Yes, deeper. The door space south so I can back into them off of the driveway. The modification would just be going back towards the septic system.

Simeone Vinyl siding to match the color of the existing house?

Marshall Exactly.

Ernst You have 12' doors?

Marshall Yes.

Morgan There was some modification because of the frontage?

Marshall The only one that I am aware of I conceded to Liz that I will put in a turn around. So, I am only asking for one side yard variance?

Ernst What about the open development frontage width of 15'? That is gone?

Marshall No that was handled in 2014 unless I am incorrect. Andy Romanowski when he built that got a variance to allow us to have less frontage in 2014.

Ernst She has that on here. A letter to you on January 10th.

Marshall The only thing that I understood was putting in that extra turn around. My driveway right now is 26' wide as it is. To feet of it has grown in with grass but it is still hard as gravel.

Ernst What it sounds like is the minimum width of a flag lot needs to be 75' and yours is only 60' so you need a 15' variance.

Morgan It's like the last one we were talking about.

Marshall So it's non-conforming existing?

Ernst Yes.

Morgan Your property is already on there we are not going to make you knock it down because the flag lot is not in compliance.

Ernst Bump outs?

Marshall Liz asked me for one bump out so I said I will do that, no problem. I am fully on with a bump out.

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Heussler This is vacant wooded land here?

Marshall Yes.

Heussler It's not to say that someone couldn't build there.

Marshall That is swamp there.

TAPE MALFUNCTION

DISCUSSION:

Simeone It's going to be one story with electric and heat but no water?

Marshall Correct

Ernst An Air BNB?

Marshall No

Ernst Is there anyone else that would like to speak on this matter? (No response). The hearing is closed.

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Decision:

After due deliberation by the members of the Zoning Board of Appeals of the Town of Aurora, County of Erie and State of New York, the following motion was made by Rod Simeone and seconded by Stephanie Morgan to approve a 15' frontage/width variance for the flagpole portion of an Open Development Area lot and a 30' side yard setback variance for an accessory building at 1432 Emery Road, East Aurora, NY.

Upon a vote being taken:

Ernst	Aye
Heussler	Aye
Simeone	Aye
Burkhardt	Aye
Morgan	Aye

Upon a vote being taken Ayes-Five Noes-None Motion carried.