

original



CASE NO. 1452

DATE OF HEARING 11.16.2023

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 The Vinyl Outlet  
Address 3570 Broadway St  
City Cheektowage State NY ZIP 14227  
Phone (716)675-0800 Fax \_\_\_\_\_ Email J.prentice@thevinyloutlet.com  
Interest in the property (ex: owner/purchaser/developer) Contractor

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

Property Owner(s) Name(s) Bruce West  
Address 1118 Olean Rd  
City East Aurora State NY ZIP 14052  
Phone (716) \_\_\_\_\_ Email \_\_\_\_\_

#### III. PROPERTY INFORMATION


Property Address 1118 Olean Rd East Aurora, NY, 14052  
SBL# 188.01-2-22  
Property size in acres 2 Property Frontage in feet 292.9  
Zoning District R-1 Surrounding Zoning \_\_\_\_\_  
Current Use of Property Primary House

#### IV. REQUEST DETAIL

(check all that apply)  
 Variance from Ordinance Section(s) # 116-8.1-E(1)  
 Special Use Permit for: \_\_\_\_\_  
 Use Variance for: \_\_\_\_\_  
 Interpretation of \_\_\_\_\_

ST-079

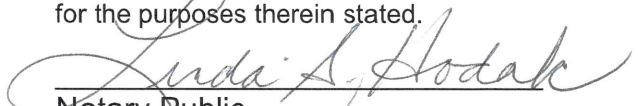
**V. SIGNATURES** (This application must be signed by the applicant/petitioner. If the applicant is not the owner of the property, a separate owner authorization form must be submitted – see pg. 5 )

  
\_\_\_\_\_  
Signature of Applicant/Petitioner

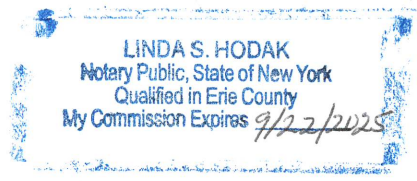
Jay Prentice / Joshua Prentice  
Print name of Applicant/Petitioner

State of New York; County of Erie

On the 21 day of September 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.

  
\_\_\_\_\_  
Notary Public

(Notary stamp)



-----  
*Office Use Only:*      Date received: \_\_\_\_\_      Receipt #: \_\_\_\_\_

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)

Proposed project is a 6'L x 10'W porch on the front of house. Currently a 4'x5' concrete slab is there. The front door, currently has no access that meets code as the step up from the concrete to the door is 12". The proposed deck would provide curb appeal to the property as well as safety, as the new porch will be built to the door threshold. The variance is being requested due to the porch being inside of the minimum front setback of 75'. The house is currently at 45' from the ROW. We are only extending the porch just enough to cover the existing concrete porch.

**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:

1118 Olean Rd..... identified as Tax Map (SBL)# 188.01-2-22  
(address)

hereby authorizes The Vinyl Outlet..... 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.

x Bruce B. West  
Owner (print)

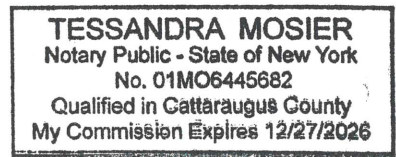
x 25 Sep 23  
Date

x [Signature]  
Owner (signature)

STATE OF NEW YORK )  
  ) SS  
COUNTY OF ERIE )

On this 25<sup>th</sup> day of September, 2023, before me, the undersigned, a notary public in and for said state,  
personally appeared Bruce B West, 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.

[Signature]  
Notary Public



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



TOWN CLERK  
Martha L. Librock  
(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)

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OFFICER  
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[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

September 25, 2023

Bruce West  
1118 Olean Road  
East Aurora, NY 14052

Bruce:

The Building Department has reviewed your request to construct a front porch/deck at 1118 Olean Road (SBL 188.01-2-22). The request has been denied because it fails to meet the requirements for front yard setback.

*Section 116.8.1E(1)*

*Required: Minimum of 75' from the street right-of-way*

*Requested: 39' front yard setback*

*Variance: 36'*

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,

Richard Miga  
Asst. 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 11/16/2023                      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: 1118 Olean Road (Rt. 16)

5a. S.B.L. of Property: 188.01-2-22

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: front porch addition closer to right of way than allowed by Town Code  
(specify the action, such as the scope of variances or site plans)

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

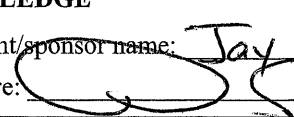
**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available.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

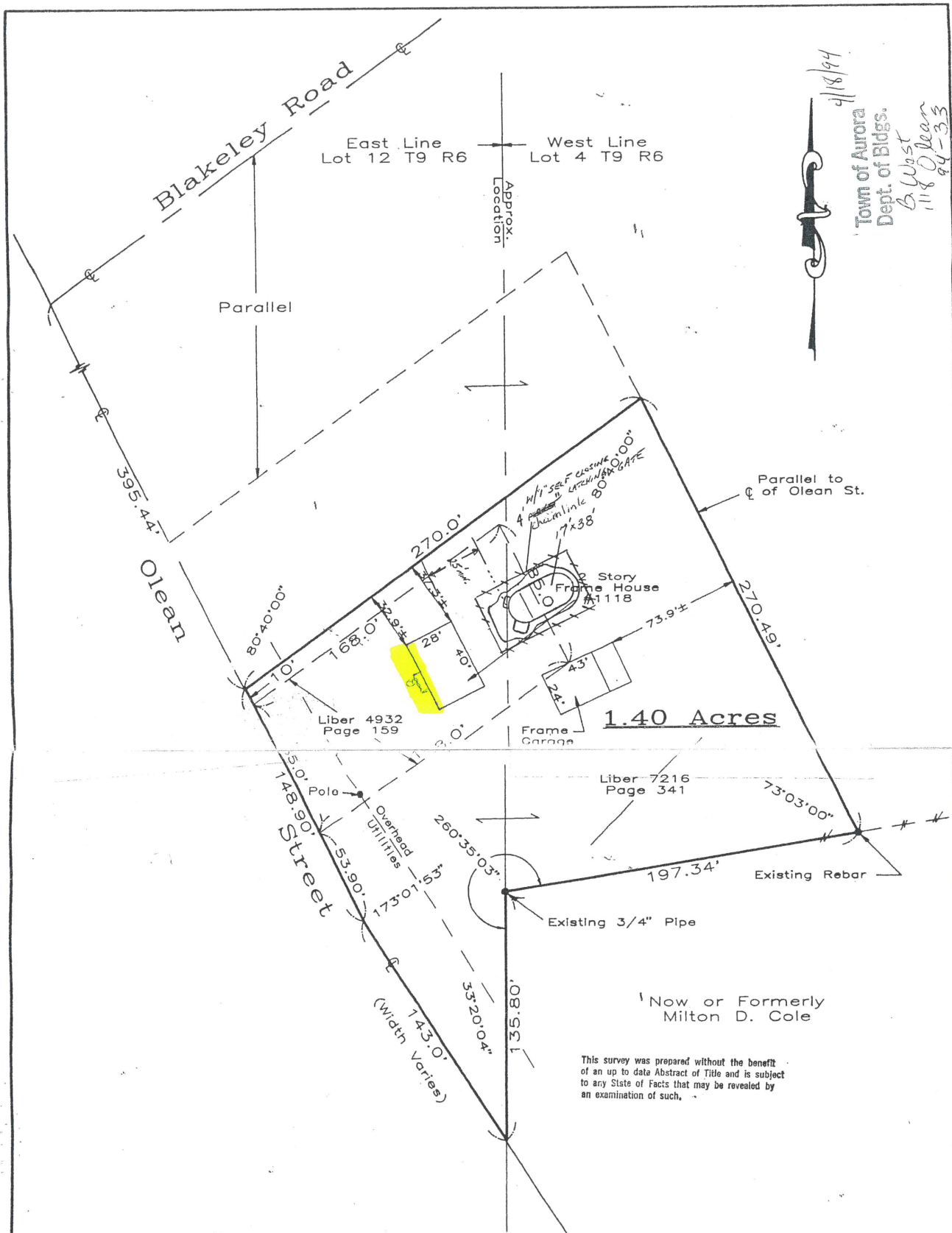
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>							
Name of Action or Project: <i>Front Porch (6'x10')</i>							
Project Location (describe, and attach a location map): <i>Front of house (1118 Olsen Rd)</i>							
Brief Description of Proposed Action: <i>Vinyl Outlet to build a new front porch the extends 6' from the house and extend 10' in width along the house.</i>							
Name of Applicant or Sponsor: <i>The Vinyl Outlet</i>		Telephone: <i>(716) 675-0800</i>					
Address: <i>3570 Broadway St.</i>		E-Mail: <i>J.prentrize@thevinyloutlet.com</i>					
City/PO: <i>Cheektowaga</i>		State: <i>NY</i>	Zip Code: <i>14227</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.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input 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:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
3.a. Total acreage of the site of the proposed action?		<u>  2  </u> acres					
b. Total acreage to be physically disturbed?		<u>  .0015  </u> acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>  2  </u> acres					
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?	<b>NO</b>	<b>YES</b>	<b>N/A</b>
	<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?	<b>NO</b>	<b>YES</b>	
	<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: _____ _____	<b>NO</b>	<b>YES</b>	
	<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 service(s) available at or near the site of the proposed action?  c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<b>NO</b>	<b>YES</b>	
	<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: _____ _____	<b>NO</b>	<b>YES</b>	
	<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: _____ _____	<b>NO</b>	<b>YES</b>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____ _____	<b>NO</b>	<b>YES</b>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?  b. Is the proposed action located in an archeological sensitive area?	<b>NO</b>	<b>YES</b>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input 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: _____ _____	<b>NO</b>	<b>YES</b>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input 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 checked="" 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?	<b>NO</b>	<b>YES</b>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	<b>NO</b>	<b>YES</b>	
	<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  b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES _____ _____	<b>NO</b>	<b>YES</b>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	



<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)?          If Yes, explain purpose and size: _____          _____          _____</p>	<p><b>NO</b></p> <p><input checked="" type="checkbox"/></p>	<p><b>YES</b></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?          If Yes, describe: _____          _____          _____</p>	<p><b>NO</b></p> <p><input checked="" type="checkbox"/></p>	<p><b>YES</b></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?          If Yes, describe: _____          _____          _____</p>	<p><b>NO</b></p> <p><input checked="" type="checkbox"/></p>	<p><b>YES</b></p> <p><input type="checkbox"/></p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: <u>Jay Prentice (The Vinyl Outlet)</u>      Date: <u>9/19/2023</u></p> <p>Signature: <u></u></p>		



11/8/94

Town of Aurora  
Dept. of Bldgs.  
C. West  
1118 Olean  
94-33

Survey of  
Part of Lots 4 & 12 T.9 R.6  
Holland Land Co. Survey  
Town of Aurora, Erie Co. N.Y.  
Scale: 1"=50' Nov.5, 1965  
Resurveyed: October 12, 1993

**Freeman & Freeman**  
 Land Surveying  
 Civil Engineering  
 Land Planning  
 Computer Mapping  
 Environmental Studies  
 Est. 1925  
 10432 Crump Road  
 Glenwood N.Y. 14069  
 (716) 592-7740

*D. S. F.*





# Erie County On-Line Mapping Application



### Legend

□ Parcels



1: 2,257

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.

**ERIE COUNTY  
DEPARTMENT OF ENVIRONMENT & PLANNING  
OFFICE OF GIS**

0 0.04 0.1 Miles

WGS 1984 Web\_Mercator\_Auxiliary\_Sphere  
THIS MAP IS NOT TO BE USED FOR NAVIGATION