

OK as to form only

TOWN OF AURORA
Zoning Board of Appeals Request

PAID
\$7500

Building Application # _____
Building Permit # _____

Zoning Appeal Case No. 1235
Date 4/16/15

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

I, (we) Andrew Gow of Nussbaumer & Clarke, Inc.

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 West Herr Automotive Group
Name of Applicant

OF 3552 Southwestern Bl, Orchard Park, 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 591 Olean Road
SBL # 176.00-4-25.3 ZONING DISTRICT B2

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 Do not quote the Ordinance)
Referral to the ZBA per Table of District Regulations within the B2 zoning district.

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 10/17/2002 CASE #909 (DRIVING RANGE)

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

STATE OF NEW YORK
COUNTY OF ERIE
_____ of _____

[Signature]
Signature(s)
3556 Lakeshore Rd., Buffalo NY 14219
Mailing Address

Andrew Gow, 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 26th
day of February, 2015

[Signature]
NOTARY PUBLIC

JENNIFER L. SEYMOUR
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 8/5/18

PD CK# 490525
RECEIVED 3/9/15 @ 87500



Town of Aurora
 300 Glead Avenue
 East Aurora NY 14052



Zoning Board of Appeals Petitioner's Letter of Intent

Applicants Name West Herr Automotive Group
 Address 3552 Southwestern Blvd
 Telephone 926-7077
 Address of appeal 591 Olean Road
 Zoning District B2
 Zoning Code Section Table of District Regulations

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

GROUNDS FOR VARIANCE: (may continue on separate sheet)

The Town's Table of District regulations stipulates that "storage yards" within the B2 district require approval by the Zoning Board of Appeals. The applicant is requesting approval to construct a 365-car vehicular storage lot for new vehicle inventory that supports West Herr's local dealerships. The storage lot will be for vehicles only and not material storage.

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 [Signature] Date 3-3-15
 Owners Signature _____ Date _____

As property owner of 591 Olean Rd, I give West Herr permission to file for this use appeal

*Carl DiPietro
 3/2/2015*

617.20
Appendix B
Short Environmental Assessment Form

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: West Herr Vehicle Storage Lot			
Project Location (describe, and attach a location map): 591 Olean Road			
Brief Description of Proposed Action: The applicant is requesting Site Plan Approval for the construction of a 365-car automotive storage lot along the westerly side of Olean Rd. The lot will be used for new vehicle inventory supporting West Herr's local dealerships.			
Name of Applicant or Sponsor: Mr. John Wabick, West Herr Automotive Group		Telephone: 716-927-7077 E-Mail: jwabick@westherr.com	
Address: 3552 Southwestern Blvd			
City/PO: Orchard Park		State: New York	Zip Code: 14217
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 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: Zoning Board of Appeals, Planning Board			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		25.8 acres	
b. Total acreage to be physically disturbed?		7.9 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		25.8 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 checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input checked="" type="checkbox"/> Parkland			

	NO	YES	N/A
5. Is the proposed action, 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 checked="" type="checkbox"/>	<input 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"/>	
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"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<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: _____	<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: _____	<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: _____	<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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input type="checkbox"/>	<input checked="" 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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: _____	<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 checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input checked="" 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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/> NO <input checked="" type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES Flows from the project are tributary to the Cazenovia Creek	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

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: _____ A linear storm water detention basin will be constructed in accordance with NYSDEC guidelines.	NO	YES
	<input type="checkbox"/>	<input checked="" 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"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: _____		Date: _____
Signature: _____		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT

ZONING BOARD OF APPEALS
TOWN OF AURORA
DECISION

RE: APPEAL NO. 909 - PRIOR ZBA CASE FOR THIS PROPERTY

A hearing on the above Application of Mark O'Connor and Carl J. DiPietro, Petitioners, having been called before the Zoning Board of Appeals in the Town Hall 5 South Grove Street, on the 18th day of September, 2003, after due notice published in the East Aurora Advertiser as prescribed in Section 267-a, Subdivision 7 of the Town Law and Section 116-61 F of the Code of the Town of Aurora, was held at said time and place.

There were present: Stephanie McCormick
Wayne Nowcin
James W. Whitcomb

Patrick Blizniak appeared for the Building Department.

The secretary read the Notice of Public Hearing and the Affidavit of Publication which were duly marked as exhibits herein.

Petitioner Mark O'Connor appeared

No one else appeared.

Petitioners seek a special use to operate a miniature golf course at 591 Olean Road, SBL # 176.00-4-25.3 located in a B-2 zone (the "Premises").

At a duly convened meeting held on the 18th day of September, 2003 and after said public meeting, the Zoning Board of Appeals finds as follows:

Findings

This is an unlisted action pursuant to Article 8 of New York State Environmental Conservation Law and the regulations promulgated thereunder, Part 617 of Title 6 of the New York Code of Rules and Regulations (SEQR) and the Zoning Board of Appeals is the only agency involved in this determination. We have determined that the proposed action will not result in any adverse environmental impacts and have set forth that determination in the annexed declaration.

Petitioners seek a special use permit to operate a miniature golf course at the Premises. Petitioners already have special use permits to operate a driving range, outdoor eating area and batting cages at the Premises. The miniature golf course will be constructed on undeveloped land adjacent to the batting cages to the north of the driving range. Ex. 29. The layout of each hole is shown in Exhibit 31. Typical hole construction is shown in Exhibit 32A-R. The course will be

**STATE ENVIRONMENTAL QUALITY REVIEW ACT
DETERMINATION OF SIGNIFICANCE**

This notice is issued by the Zoning Board of Appeals of the Town of Aurora ("Commission"), acting as lead agency, in an uncoordinated environmental impact review, pursuant to and in accordance with Article 8 of the New York State Environmental Conservation Law and the regulations promulgated under Article 8 and set forth at Part 617 of Title 6 of the New York Code of Rules and Regulations (collectively referred to as "SEQR").

The Board has determined that a use variance to allow the operation of a miniature golf course at 591 Olean Road, SBL # 176.00-4-25.3 (the "Project"), will not have a significant adverse impact upon the environment and that a negative declaration pursuant to SEQR may be issued. Reasons supporting this determination are fully explained below.

Project Name: Miniature Golf Course at 591 Olean Road, SBL # 176.00-4-25.3

SEQR Status: Type I _____ Unlisted: XX

Project Description: The Project consists of operating a miniature golf course at the Premises.

Location: 591 Olean Road, Town of Aurora, State of New York ("the Project Site").

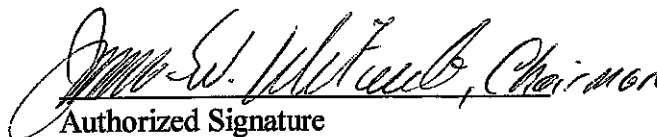
Reasons Supporting This Determination:

1. The Board is acting as Lead Agency conducting an uncoordinated review, has considered the full scope of the Project and has reviewed the short environmental assessment form.
2. The Project Site is to be used for miniature golf course business and the proposed use is consistent with existing land uses in this area located in an B-2 in the Town of Aurora.
3. The Project Site has no bedrock outcroppings, no slopes greater than 10%, no unique or unusual land forms (cliffs, dunes or other geological formations), and the Project Site is not used by the community as open space or recreation areas.
4. There will be no air emissions from the Project.
5. The Project will not substantially affect water discharges from the Project Site.
6. The Project will not generate solid waste or hazardous waste.
7. The Project will not significantly alter the visual and/or aesthetic resources in the area of the Project Site and will not have a significant adverse visual impact upon the scenic quality of the landscape.
8. While the Project will not result in the removal of vegetation at the Project Site.

9. The Project will not impact agricultural land.
10. The Project is not substantially contiguous to, nor does it contain, a building, site or district listed on the State or National Registers of Historic Places, and thus will not have an adverse impact upon historic or archeological resources.
11. There are no anticipated changes in traffic flow to and from the Project Site as a result of the Project.
12. The Project will not generate any unpleasant noise or odors, or in the alternative, the petitioner has taken steps to ensure that any noise or odors generated will no have a significant adverse impact upon the environment
13. There will be no adverse environmental impacts as a result of the Project.

For Further Information Contact: Patrick Blizniak
Code Enforcement Officer
Town of Aurora
Town Hall
5 South Grove Street
East Aurora, New York 14052
716-652-7944

Copies of this Negative Declaration shall be filed with the Zoning Board of Appeals of the Town of Aurora.


Authorized Signature

OK as to form only

TOWN OF AURORA
Zoning Board of Appeals Request



Building Application # _____
Building Permit # _____

Zoning Appeal Case No. 1236
Date 4/16/15

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

I, (we) William + Carla Kongesor West Falls
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 William + Carla Kongesor
Name of Applicant

OF 1232 Davis Rd West Falls, N.Y.
(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 1232 Davis Rd. West Falls
SBL # 186.00-4-41.1 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)

116-18(B)

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

_____ of _____

William Kongesor
Signature(s)
123 Davis Rd West Falls N.Y. 14170
Mailing Address

William Kongesor, 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 5th
day of March, 2015

Sheryl A. Miller
NOTARY PUBLIC

SHERYL A. MILLER
Reg. #01M16128663
Notary Public, State of New York
Qualified in Erie County
Commission Expires June 13, 2017

Recpt. 687327
paid 3/12/15 #3663



Town of Aurora
 300 Glead Avenue
 East Aurora NY 14052



Zoning Board of Appeals Petitioner's Letter of Intent

Applicants Name William + Carla Kongesor
 Address 1232 Davis Rd West Falls 14170
 Telephone 716-949-4720

Address of appeal 1232 Davis Rd West Falls NY, 14170
 Zoning District A
 Zoning Code Section 116-18(B)

Type of Appeal:

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

GROUNDS FOR VARIANCE: (may continue on separate sheet)

The building is for boat storage

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 William Kongesor Date 3-5-2015
 Owners Signature William Kongesor Date 3-5-2015

3-12-15

To the Zoning Board Association

My name is Bill Kongson and I am applying for a variance on an accessory building to be built on my residence, 1232 Davis Rd in West Falls. The variance is in regards to the height of the structure. The mean height is 16' 10", 1' 10" over the Town of Aurora's building code 116-18 (B).

Bill Kongson

SUPERVISOR
JOLENE M. JEFFE
(716) 652-7590
jjeffe@townofaurora.com



TOWN CLERK
MARTHA L. LIBROCK
(716) 652-3280
townclerk@townofaurora.com

TOWN OF AURORA

5 South Grove Street, East Aurora, NY 14052
www.townofaurora.com

3/06/2015

William Kongesor
1232 Davis Rd.
West Falls, NY 14170

Re: variance for accessory building at 1232 Davis Rd.

William,

The Building Dept has reviewed your application to build an accessory building at 1232 Davis Rd. We have denied your application because you fail to meet the requirements as stipulated by the Town of Aurora Code 116-18(B) and District Regulations

116-18(B)

Required: buildings not over 15' mean hgt.

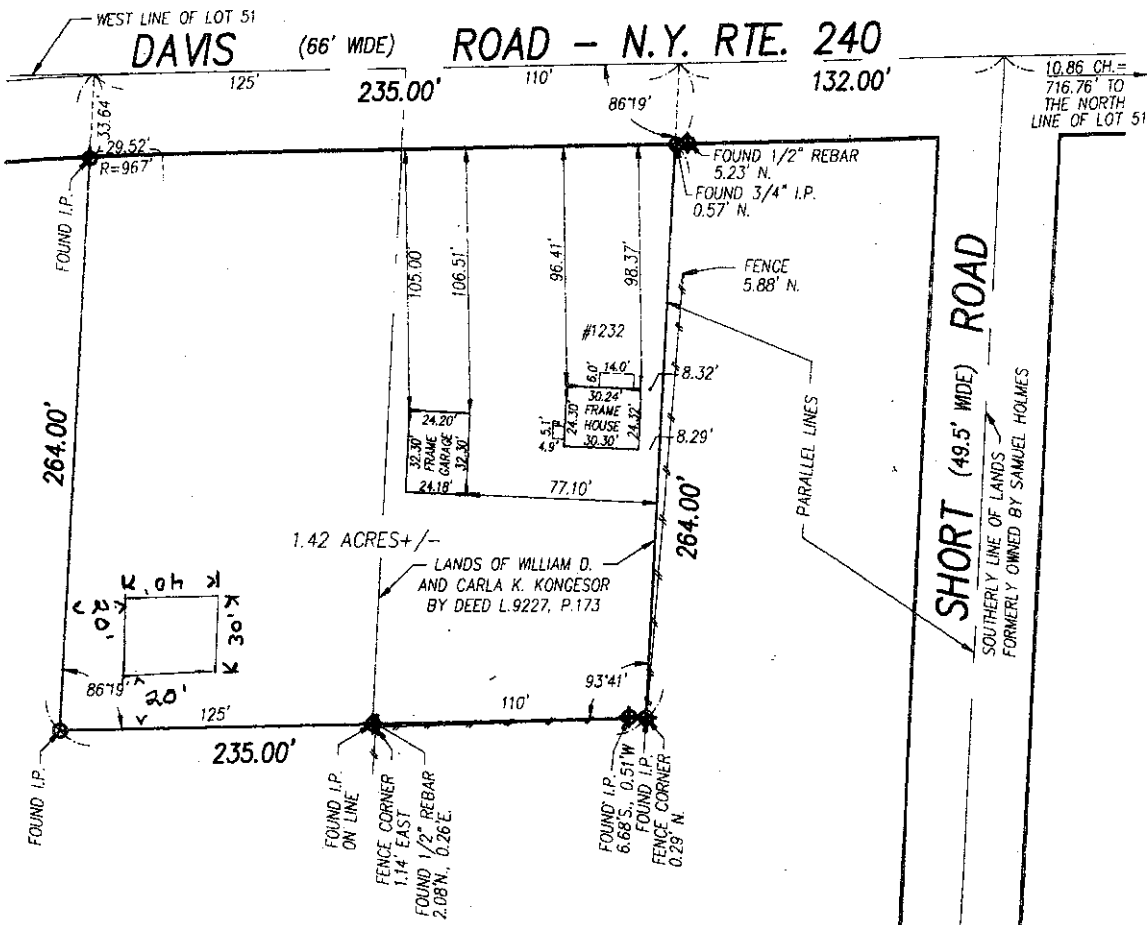
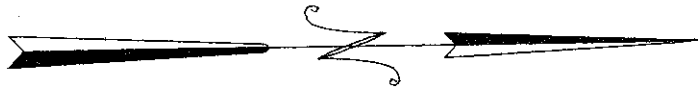
Requested: mean hgt. 16' 10"

Variance required: 1' 10" for mean hgt.

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, a letter to the ZBA members explaining your difficulty, and any information 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



This survey was prepared without the benefit of an abstract of title and is subject to any state of facts that may be revealed by an examination of such

UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY MAP IS A VIOLATION OF SECTION 7209 PROVISION 2 OF THE NY STATE EDUCATION LAW

SURVEY OF			ROBERT J. NICAISE	
LOCATION #1232 DAVIS ROAD			LAND SURVEYOR	
LIBER _____ PAGE _____		S-6294 SUNNYSIDE DRIVE		
SURVEY FOR WILLIAM & CARLA KONGESOR		HAMBURG, NEW YORK 14075		
BEING PART OF LOT 51		TELEPHONE NO. 649-1724		
TOWNSHIP 9 RANGE 6		SCALE 1"=60' DATE 6/8/91		
TOWN OF AURORA		JOB NO. 91019		
COUNTY OF ERIE STATE OF NEW YORK		N.Y.S. LICENSE NO. 39310		
HOUSE LOC.		RESURVEYED		



Just Barns Quotation Package



QUOTATION FOR:

Bill Kongesor
1232 Davis Road
Westfalls, NY 14170
716-949-4720

CONTACT:

Salesperson Name Not Available
1676 Rt. 78
Java Center, NY 14082
585-457-3300

QUOTATION DATE: 2/25/2015
ESTIMATE NUMBER: 1835
CONSTRUCTION: Post Frame
DIMENSIONS: 30' X 40' X 14' 4"

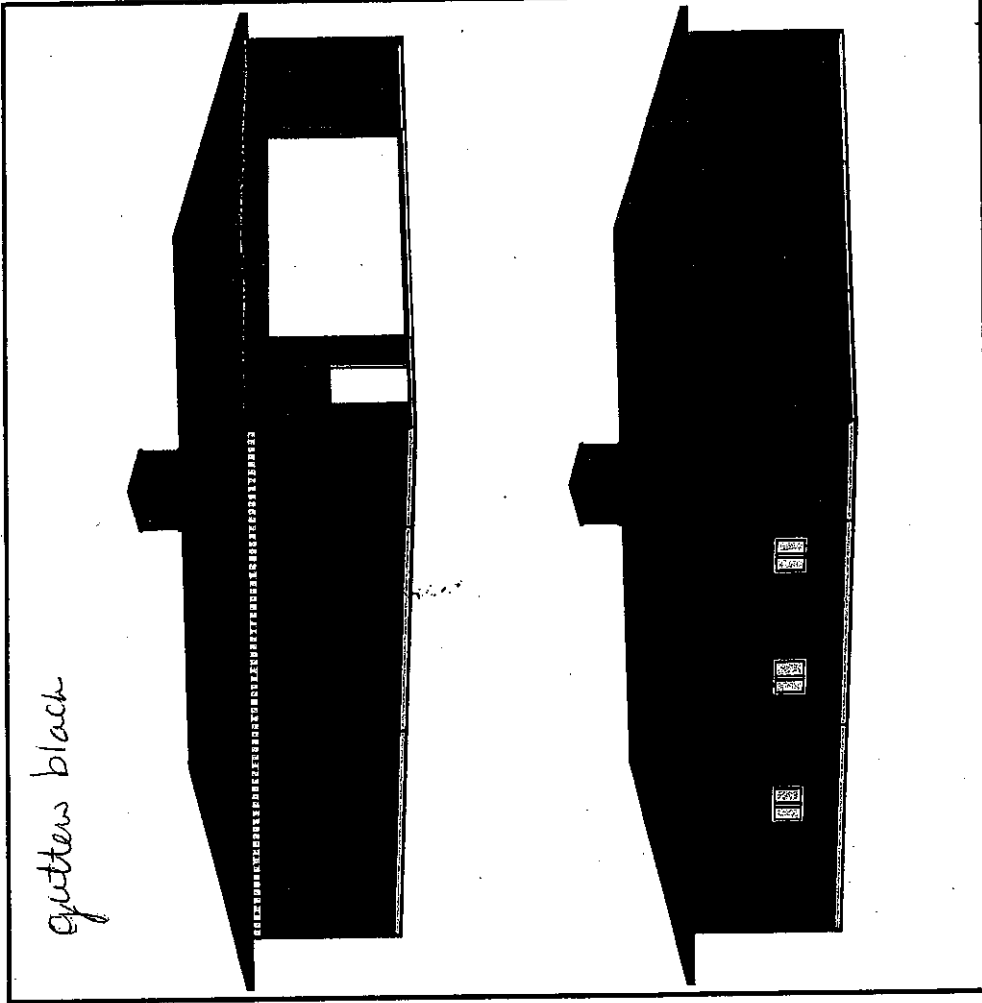
SPECIFICATIONS FOR 30' X 40' X 14' 4" POST FRAME PACKAGE:

- **MATERIAL PACKAGE**
 - Pre-Engineered Wood Trusses (4/12 Pitch, 4' O/C)
 - 4.5 x 5.5 Barn Store 3 Ply Eave Posts (8' O/C)
 - 4.5 x 5.5 Barn Store 3 Ply Gable Posts (10' O/C)
 - 2 x 8 Treated Skirt Boards (1 Row)
 - 2 x 4 Wall Girts (24" O/C) and Roof Purlins (24" O/C)
 - 2 x 10 Double Top Girt Truss Carrier
 - 1/16" Drip Stop Insulation on Roof
 - Burnished Slate Best Panel Steel Siding w/ 40 -Year Paint Warranty
 - Black Best Steel Roof w/ 40 -Year Paint Warranty
 - Three Bags of Concrete Mix per Post Hole

- **DOORS & WINDOWS**
 - One 16' X 12' General Opening
 - One 3' 9" Life Entry Door
 - Three Cannon Ball 3' 1/2" x 3' 1/2" Slider Windows
- **TRANSLUCENT PANEL ON EAVE1**
- **24" OVERHANG ON ALL SIDES W/ VENTED VINYL SOFFIT**
- **ACCESSORIES**
 - A.M.W. Aluminum Gutter
 - 1 36 X 36 Louvered Cupola 44" x 36" Cupola

- **FASTENERS**
 - 1 In. Siding Screws S for Steel Wall, Roof Panels
 - Paslode 3.5" 16D Galv Nails for Truss Carrier
 - Paslode 3.5" 16D Galv Nails for Skirt Board
 - Galvanized Steel Framing Nails

- **DETAILED BUILDING PLANS**



GRAND TOTAL - INSTALLED

\$25,027.48

Prices are good for 30 days, until 3/27/2015

Concrete 4,800
4" reinforced

OK as to form only

TOWN OF AURORA
Zoning Board of Appeals Request

PAID
\$7500

Building Application # _____
Building Permit # _____

Zoning Appeal Case No. 1237
Date 4/16/15

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

I, (we) J+D Atkinson of 275 Bowen Rd 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 James + Donna Atkinson
Name of Applicant

OF 275 Bowen Rd, E. Aurora NY 14052
(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 275 Bowen Rd
SBL # 164.00-1-42.2 ZONING DISTRICT _____

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)
116-4; Front Yard Setback - Table of District Regs

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

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STATE OF NEW YORK
COUNTY OF ERIE
of _____

[Signature]
Signature(s)
275 Bowen Rd E. Aurora 14052
Mailing Address

James Atkinson, 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.
3/27/15 Reet # 687341

Sworn to before me this 27th
day of March, 2015

[Signature]
NOTARY PUBLIC

SHERYL A. MILLER
Reg. #01MI6128663
Notary Public, State of New York
Qualified In Erie County
Commission Expires June 13, 2017



Town of Aurora
300 Glead Avenue
East Aurora NY 14052



Zoning Board of Appeals Petitioner's Letter of Intent

Applicants Name James + Donna Atkinson
Address 275 Bowen Rd E. Aurora 14052
Telephone 716-863-4375

Address of appeal 275 Bowen Rd
Zoning District R1
Zoning Code Section Table of District Regs - Front Yd Setback; 116-4

Type of Appeal:

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

GROUND FOR VARIANCE: (may continue on separate sheet)

It is our intention to move the property line
separating 265 Bowen + 275 Bowen East, as
indicated in the attached drawing.
This change will transfer two existing pole barns from
the 265 Bowen lot to the 275 Bowen lot.
These buildings will ~~now~~ be located, between
the residence, and the road.

ACKNOWLEDGMENT:

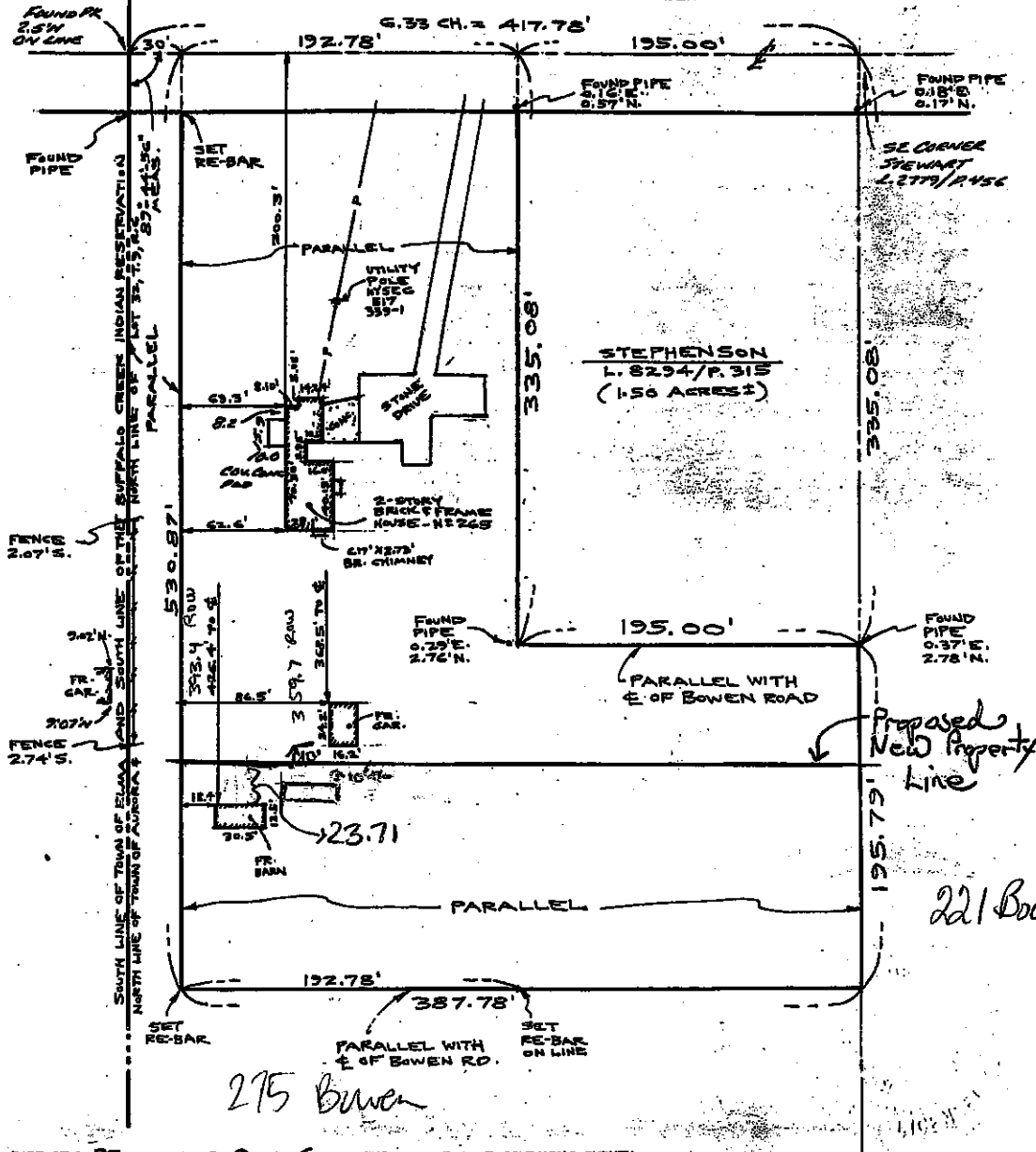
Pursuant to Section 809 of the New York State General Municipal Law, the appellant shall state in his written appeal that to the best of his knowledge, no state officer or officer or employee of the Town of Aurora, has any interest in the appellant as defined in Section 809 of the General Municipal Law.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

Petitioners Signature _____ Date _____
Owners Signature [Signature] Date 27 March 2015

265 Bowen Rd



BOWEN (66' WIDE) ROAD FORMERLY KNOWN AS BROOKS ROAD



STEPHENSON
L. 8294/P. 315
(1.56 ACRES)

PART OF L. 32 S - T. 2 R. 6 OF THE HOLLAND LAND COMPANY'S SURVEY
TOWN OF AURORA, VILLAGE OF _____, COUNTY OF ERIE, NEW YORK

NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO ANY SURVEY, DRAWING, DESIGN, SPECIFICATION, PLAN OR REPORT IS A VIOLATION OF SECTION 7209, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

TVA ENGINEERS • SURVEYORS • PLANNERS

Tallamy, Van Kuren, Gertis & Associates
70 LINWOOD AVENUE P.O. BOX 710 ORCHARD PARK, NEW YORK 14127-0718
PHONE (716) 662-9368 FAX (716) 662-7688

REVISION		
DATE	JOB	DESCRIPTION

DRAWN BY N.L. SCALE 1" = 80'
CHECKED BY _____ DATE APR. 22, 1991
JOB 210109 SHEET ZE-14379

REVIEW

Zoning Appeal Case # 1208
Approved/Denied Date

Hearing Date

ZONING BOARD OF APPEALS
TOWN OF AURORA, ERIE COUNTY, NY
SPECIAL USE PERMIT APPLICATION

TO THE ZONING BOARD OF APPEALS:

The undersigned hereby applies to the Zoning Board of Appeals for a special use permit pursuant to Article VI, Section 116-61C, of the Zoning Ordinance of the Town of Aurora affecting the following described premises in manner and on grounds here-in-after set forth:

Owner: Brian + Jennifer Garlow
Address: 794 Center St. East Aurora 14052
Agent: N/A
Address: _____
Contractor: N/A

GENERAL INFORMATION

1. Location of property: _____ SBL# _____ Zone _____
2. State present use: Personal Home
3. State the nature of the permission requested: to maintain/keep existing chicken coop
4. ATTACH recent copy of SURVEY of property.
5. ATTACH DETAILED PLANS showing site, elevations and plans of structures and accessory use areas and landscaped development of the entire parcel devoted to the Special Permit use.

APPLICANT'S ALLEGATIONS

The applicant alleges that the proposed Special Permit use:

1. would be in harmony with the orderly development of the district in which it is located because: has not / does not disturb neighbors
2. and that it would not be detrimental to the property or persons in the neighborhood because: regular maintenance/cleaning
3. and that it would not increase the traffic flow in the area to the extent that traffic safety would be endangered because: eggs for personal use
4. and furthermore that it would conform to the standards as prescribed by the Town Board so as to promote the general health and welfare of the community and preserve the property values thereof.

OTHER INFORMATION REQUIRED

1. The undersigned further states that no rezoning or other matter relating to said property or the proposed use has been recently or is now the subject of proceedings before the Zoning Board of Appeals, Town Board or Planning Board of the Town of Aurora, except as follows: Review 1 year, as indicated
2. If application signed by agent a statement by the owner of the site stating that he approves of and is a party to the proposed special use application must be provided.

The undersigned solemnly swears that all statements made herein are true and that all drawings submitted correctly show the situation involved in this appeal. Herewith, the sum of \$75.00, which incorporates the cost of Zoning Board Fee. Further, it is understood that additional information may be required by the Zoning Board of Appeals of the Town of Aurora, NY.

Signature: [Signature] Address: 794 Center St. East Aurora NY 14052

State of New York SS.:
County of Erie
Town of Aurora

Subscribed and sworn to before me
this 10 day of August, 2018.

[Signature]
Notary Public

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

ZONING BOARD OF APPEALS
TOWN OF AURORA

DECISION

RE: APPEAL NO. 1208

A hearing on the above Application of Brian Garlow, petitioner, having been called before the Zoning Board of Appeals Code of the Town of Aurora, in the Town Hall Auditorium, 300 Gleed Avenue, on the 17th day of April, 2014 after due notice published in the East Aurora Advertiser as prescribed in Section 267-a, Subdivision 7 of the Town Law and Section 116-61 F of the Code of the Town of Aurora, was held at said time and place.

There were present:

Jay Marshall
Albert Salter
Wayne Nowocin
Davis Heussler
Donald Aubrecht

The Secretary read the Notice of Public Hearing and the Affidavit of Publication which were duly marked as exhibits herein.

Petitioner seeks a special use permit to keep chickens at 794 Center Street SBL # 187.02-1-32; in an R-1 Zone (the "Premises").

Petitioners Brian and Jennifer Garlow appeared.

The petitioner wishes to raise chickens to have fresh eggs for home use. The petitioner intends to keep 6-8 hens and 1 rooster. The chickens would be housed in a 4 foot by 8 foot coop with an 8 foot by 10 foot fenced enclosure adjacent to the coop.

Correspondence was received from Marybeth J. Peterson of 810 Center St. expressing that she has "no objections to the Garlow's raising chicken as long as they: keep the chickens on their property, have no more than one rooster (prefers none at all), have no more than a dozen chickens total, do not keep the manure by their shared property line.

Correspondence from Ross Harbison of 816 Center Street expressed that "he had no problem with the Garlow's having chickens as long as there were no roosters"

Correspondence from Brian Bakalik of 780 Center Street expressed his request "that the board declines this appeal" He expressed concern of potential odors and sounds.

In discussion with Mr. Garlow it was expressed that the chickens would be kept maintained and under control. He was willing to forgo keeping a rooster. He expressed his desire to not wanting to annoy the neighbors. (See Exhibits #6, 8, 9, 10)

No one else spoke on the matter.

Correspondence was received from John Long of the Erie County Division of Planning which stated that no recommendation from the County is to be given, and that the proposed action is determined to be of local concern.

At a duly convened meeting held on the 17th day of April, 2014, and after said public meeting, the Zoning Board of Appeals finds as follows:

FINDINGS

This is an Unlisted action pursuant to Article 8 of New York State Environmental Conservation Law and the regulations promulgated there under, Part 617 of Title 6 of the New York Code of Rules and Regulations (SEQR).

Per Section 116-19 of the Town of Aurora Code, "Keeping animals and fowl in R Districts" "...the Board of Appeals may grant temporary or permanent permission to keep other animals or fowl on such conditions as it may require."

A discussion and review of the criteria of SEQR finds that the proposed use is in keeping with the character of the neighborhood; that the noise levels of the area will be essentially unaffected if only hens are kept on the property.

Following discussion, a motion was made by Wayne Nowocin that a Negative Declaration is made under SEQR for the proposed Unlisted Action.

The motion was seconded by Jay Marshall.

On a vote, the results were as follows:

Davis Heussler	Yea
Jay Marshall	Yea
Al Salter	Yea
Wayne Nowocin	Yea
Don Aubrecht	Yea

The motion carries.

A Negative Declaration is made relative to SEQR review.

Petitioner seeks to keep 6-8 hens on the property. Town Code permits the keeping of fowl by permission of the Zoning Board of Appeals.

Davis Heussler made a motion to grant the approval of a special use permit in Case # 1208 to keep 6-8 hens at 794 Center Street, absent any roosters, subject to a review in one year's time.

Jay Marshall seconded the motion.

On a vote the results were as follows:

Davis Heussler	Yea
Wayne Nowocin	Yea
Jay Marshall	Yea
Al Salter	Yea
Don Aubrecht	Yea

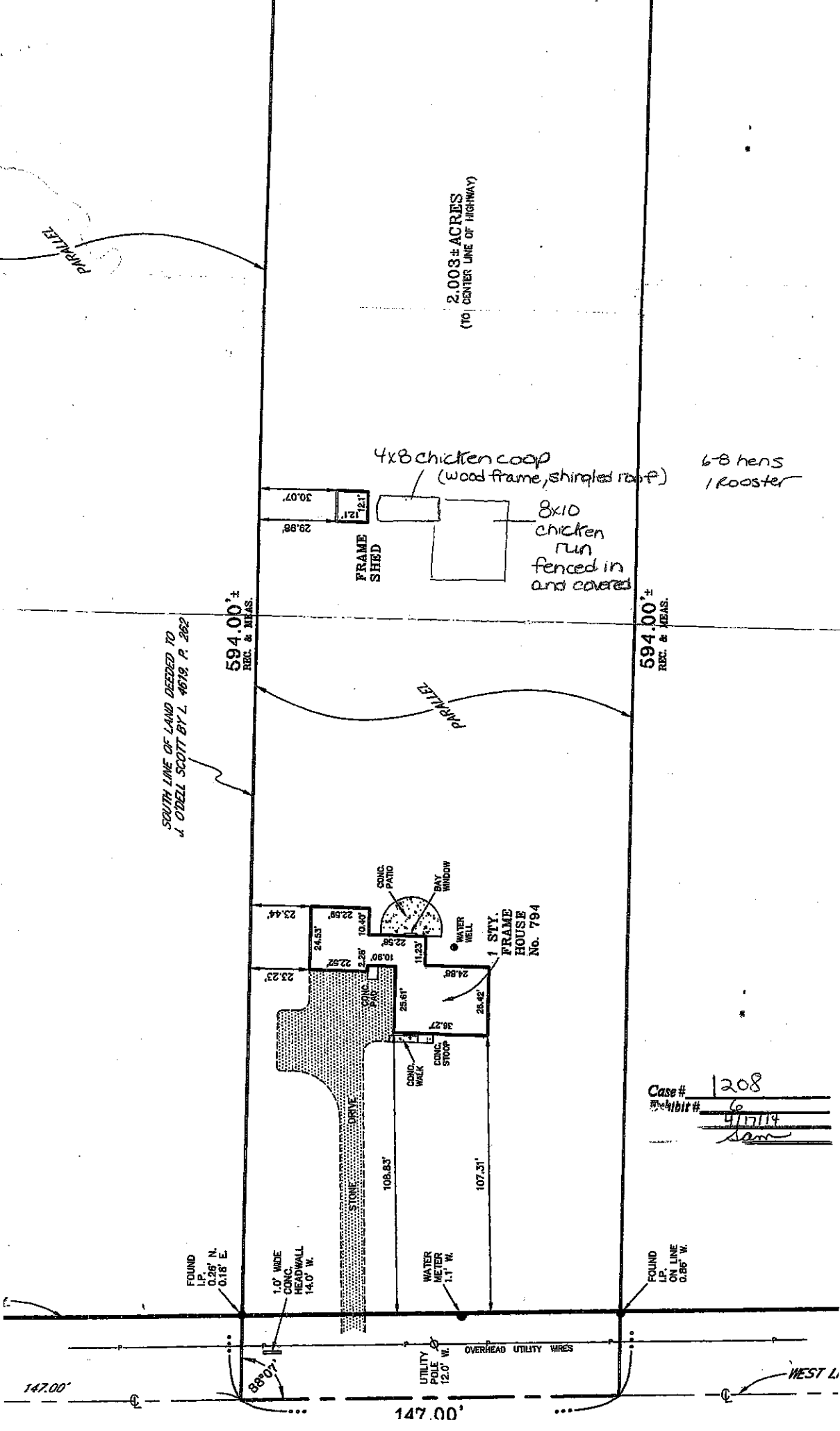
The vote is five "Yeas". The motion carries.

RESOLVED, that the special use permit applied for by Brian Garlow, petitioner, in his Application No. 1208, be and here is granted.

Dated: East Aurora, New York
April 17, 2014



Donald E. Aubrecht
Acting Chairman



SOUTH LINE OF LAND DEEDED TO J. O'DELL SCOTT BY L. 4618, P. 262

Case # 1208
 Exhibit # 6
 4/17/14
 Sam