

OK as to form only

TOWN OF AURORA  
Zoning Board of Appeals Request

PAID  
75<sup>00</sup> @

Building Application # \_\_\_\_\_  
Building Permit # \_\_\_\_\_

Zoning Appeal Case No. 1261  
Date 4/21/2016

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

I, (we) ELAINE + MICHAEL TUNKEY  
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 MICHAEL TUNKEY + ELAINE CHOW  
Name of Applicant

OF 2000 BLAKELEY RD E 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 2000 BLAKELEY RD  
SBL # 188.00-1-5.1 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 Do not quote the Ordinance)  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 A(1) AND 116-F

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 ZBA # 1209 (4/17/14)

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

Elaine Y. Chow  
Signature(s)  
2000 BLAKELEY RD EAST AURORA NY 14052  
Mailing Address

ELAINE Y CHOW, being duly sworn, deposed and says that She is the petitioner in this action; that She 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 31st  
day of March, 2016

Martha L. Librock  
NOTARY PUBLIC

MARTHA L. LIBROCK  
Notary Public, State of New York  
No. 01LI5028312  
Qualified in Erie County  
My Commission Expires May 31, 2018

Pd 75<sup>00</sup> 3/31/16  
Rept # 936 448

2

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**  
**Southside Municipal Center**  
300 Glead Avenue, East Aurora, NY 14052  
[www.townofaurora.com](http://www.townofaurora.com)

TOWN COUNCIL MEMBERS

Susan A. Friess  
[sfriess@townofaurora.com](mailto:sfriess@townofaurora.com)

Jeffrey T. Harris  
[jharris@townofaurora.com](mailto:jharris@townofaurora.com)

Jolene M. Jeffe  
[jjeffe@townofaurora.com](mailto:jjeffe@townofaurora.com)

Charles D. Snyder  
[csnyder@townofaurora.com](mailto:csnyder@townofaurora.com)

SUPT. OF HIGHWAYS  
David M. Gunner  
(716) 652-4050  
[highway@townofaurora.com](mailto:highway@townofaurora.com)

SUPT. OF BUILDING  
Patrick J. Blizniak  
(716) 652-7591  
[building@townofaurora.com](mailto:building@townofaurora.com)

ASSESSOR  
Richard L. Dean  
[assessor@townofaurora.com](mailto:assessor@townofaurora.com)  
(716) 652-0011

DIR. OF RECREATION  
Peggy M. Cooke  
(716) 652-8866  
[peggy@townofaurora.com](mailto:peggy@townofaurora.com)

TOWN ATTORNEY  
Ronald P. Bennett

TOWN JUSTICE  
Douglas W. Marky  
Jeffrey P. Markello

HISTORIAN  
Robert L. Goller  
(716) 652-7944  
[historian@townofaurora.com](mailto:historian@townofaurora.com)

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

Michael Tunkey & Elaine Chow  
2000 Blakeley Rd.  
East Aurora, NY 14052

3/31/2016

Re; Accessory building in front yard

Michael & Elaine,

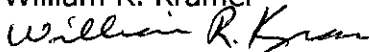
The Building Department has reviewed your application to erect an accessory structure on your property. We have denied your application because it fails to meet the requirements as stipulated by Aurora Town Code sections 116-18A(1) and 116-4 (Definitions).

Required: no buildings shall be erected in any front yard.

Request: an accessory building between the street and the main building.

Variance: an accessory building in the front yard.

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



**Town of Aurora**  
300 Glead Avenue  
East Aurora NY 14052



**Zoning Board of Appeals Petitioner's Letter of Intent**

Applicants Name MICHAEL TUNKEY + ELAINE CHOW  
 Address 2000 BLAKELEY RD  
 Telephone 716 361 8613  
 Address of appeal 2000 BLAKELEY RD  
 Zoning District A  
 Zoning Code Section \_\_\_\_\_

**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)**

DUE TO UNIQUE CONFIGURATION OF THE SITE ON A CORNER BEND IN THE ROAD,  
WE ARE REQUESTING AN ACCESSORY BUILDING (SHED) TO BE CONSTRUCTED  
CLOSER TO THE ROAD THAN THE DWELLING.

**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 Elaine Chow Date 3-31-16  
 Owners Signature Elaine Chow Date 3-31-16

**Miscellaneous Notes**

- (M1) Some features shown on this plat may be shown out of scale for clarity.
- (M2) Certain easements and/or utility lines, may or may not be shown hereon, however this shall not imply that all easements or utilities affecting prior are shown.
- (M3) Unadvised Attention of Addition to this Survey Map is a Violation of Section 2209 Provision 2 of the New York State Education Law.
- (M4) This Survey was prepared without the benefit of an up-to-date abstract title and is subject to any state of facts that may be revealed by an examination of such.
- (M5) THIS MAP IS NOT VALID WITH AFFIDAVIT OF NO CHAIN.

**Legend of Symbols & Abbreviation**

●	P / Method	N	North	□	Encroachment
○	Light Pole	E	East	□	Right of Way
⊙	Utility Signal Box	N.E.	North East	□	Centerline
⊙	Gas Valve	S.E.	South East	□	Indicates Mark
⊙	Water Valve	W	West	□	Owner
⊙	Sanitary Manhole	N.W.	North West	□	Row or Form
⊙	Valve	S.W.	South West	□	One Chain = 3600 Ft.
⊙	Sign	NE	North East	□	One Meter = 3.28083
⊙		SE	South East	□	One Acre = 43,560 Sq.

---	Property Boundary
---	Line of Record
---	Edge of R.O.W.
---	Holland Land Co. Lot Line
---	Road Centerline
---	Fence Along Line

**Survey**

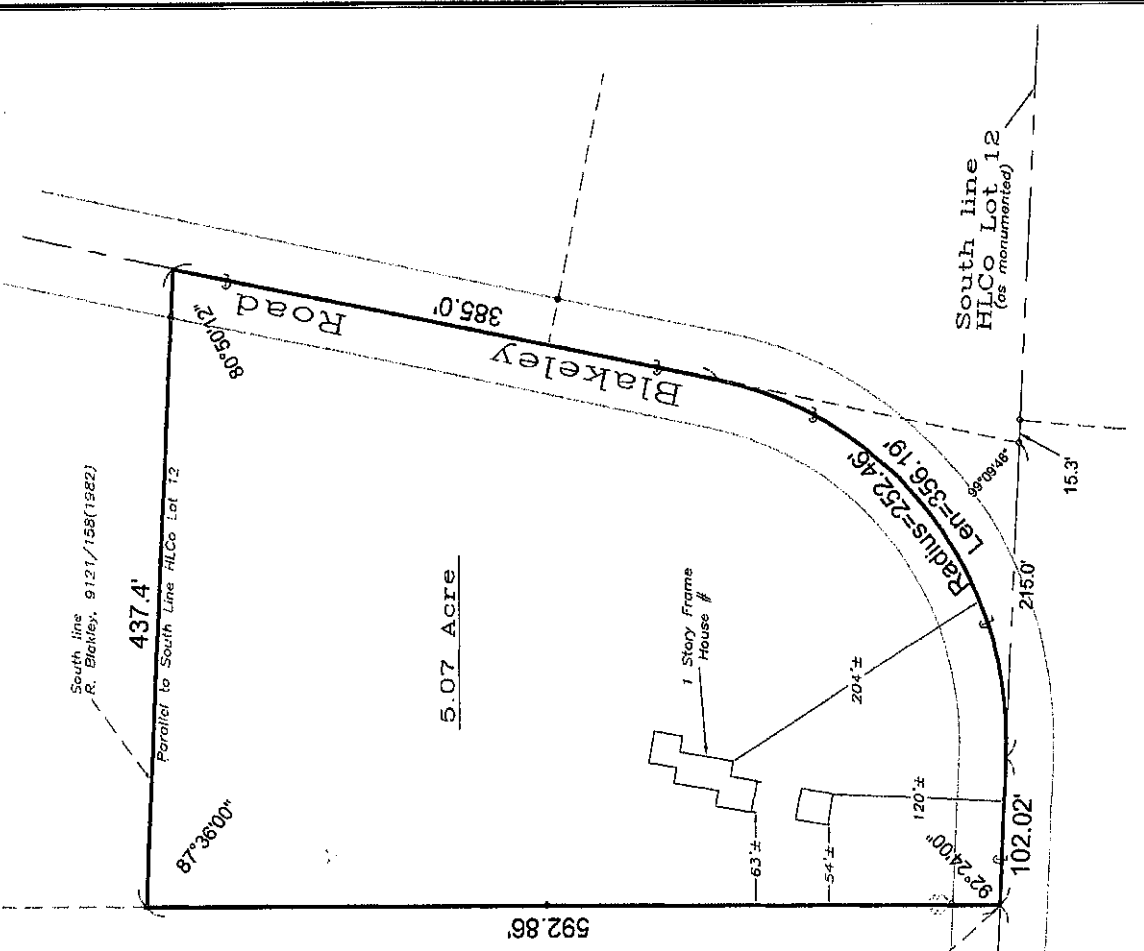
Being Part of  
**HLC Co Lot 12 Twp 9 Rge 6**  
**Holland Land Company Survey**  
 Town of Aurora  
 Erie County, New York

NEW YORK STATE  
 This is hereby certified that this survey was prepared in accordance with the current Code of Practice for Professional Land Surveyors and is approved by the Niagara Frontier Land Surveyors Association.

This certification does not extend to subsequent encroachments, mortgages, or leases unless this survey has been encroached for was proposed by the surveyors. This certification is void unless signed by the surveyors listed below. This certification is null and void if the lot or field certification is not part.

*David Scott Freeman*

**Survey Prepared By:**  
 Licensed Surveyor: David Scott Freeman  
 License No.: 0504080  
 In the State of New York  
 Date of Survey: November 4, 2011  
 Date of Building Location: October 2, 2014  
 Date of Last Revision:  
 Drawing Scale: 1" = 100'  
 Freeman & Freeman Job No. 7783



South line  
 R. Bleckley, 9121/158(1982)

Parallel to South Line HLC Co Lot 12  
 437.4'

5.07 ACRE

385.0'

1 Story Frame House

South line  
 HLC Co Lot 12  
 (as monumented)

Radius=252.46'  
 Len=356.19'

Southeast corner  
 D. Calkins, 80/467

Southwest cor.  
 HLC Co Lot 12

1897.5' sec & meas

**Reference Data**

(R1) Maps and notes from the Holland Land Company Survey.



**Survey Statement**

- (S1) A survey not shown to have been based on the Original Survey, is inconclusive in determining boundaries. The Surveyors duty is to relocate the best evidence obtainable the courses and lines at the same place where the HOLLAND LAND COMPANY originally Surveyed.
- (S2) Farms, fences are NOT based on title, old occupied farms fences lines subsequently surveyed and recorded into perpetuity don't always satisfy title requirements.
- (S3) Using Aerial Photographs to locate physical evidence and using original Holland Land Company field notes and maps is the only way a Licensed Land Surveyor can Relocate the Holland Land Companies title surveys.

**Copyright Information**

- (1) This Survey is Published in many different colors. Any Black and White reproduction is not a valid map from Freeman and Freeman Land Surveyors.

2000 Blakeley

592.86'

102.02'

385.

**BLAKELEY**

FRONT YARD SETBACK

SIDE YARD SETBACK

PROPOSED COVERED WALKWAY

PROPOSED SHED W/ PV PANELS

1076

1068

1064

1080

1068

60'

16'

1072

1068

1068

1064

1060

1060

1056

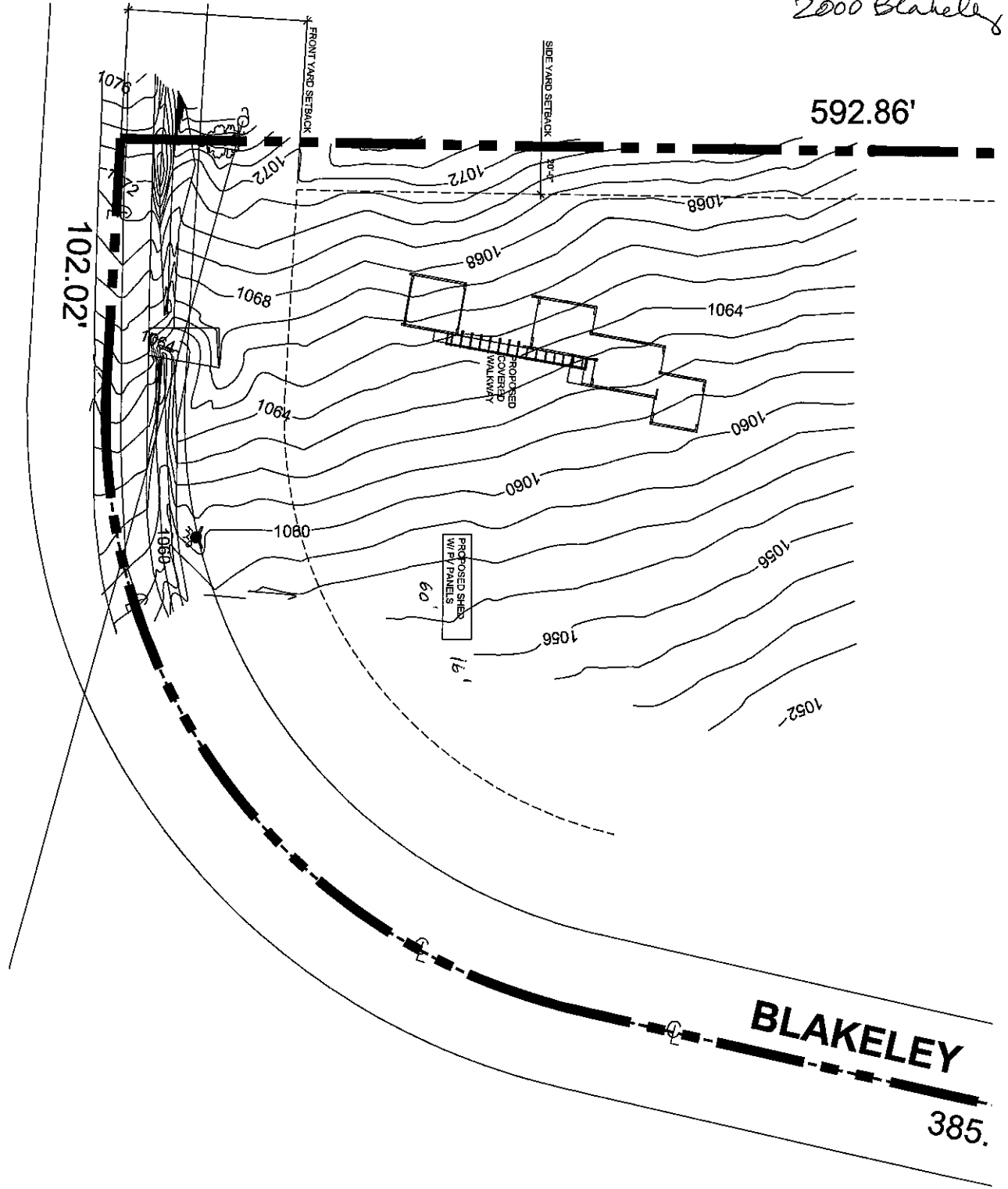
1056

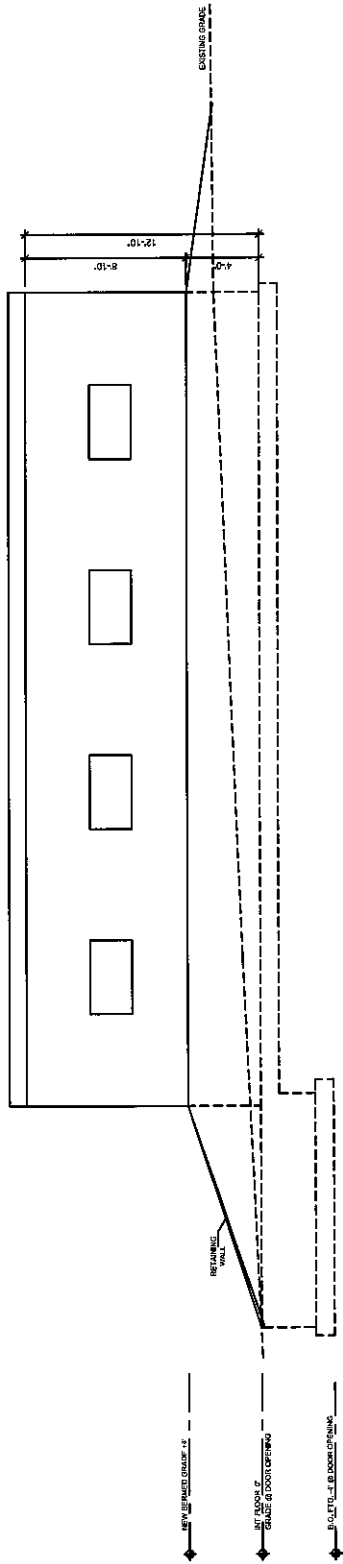
1056

1052

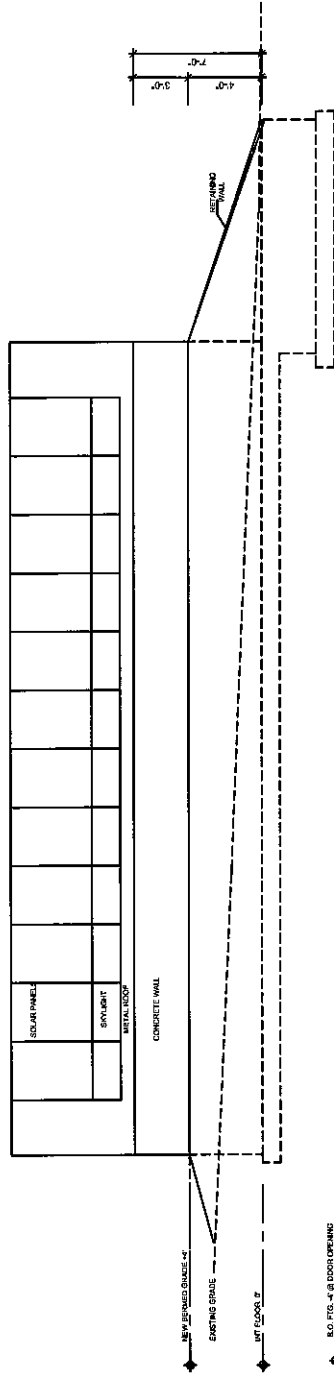
101 - Site Plan

Scale: 1" = 20'

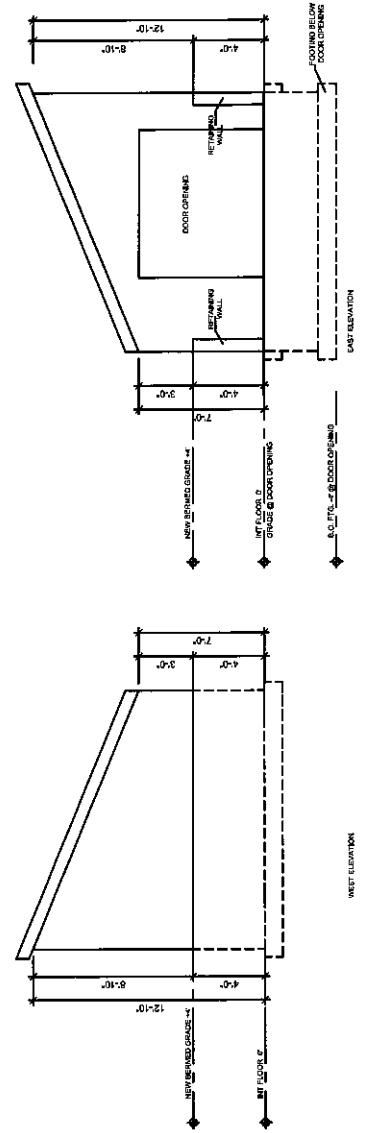




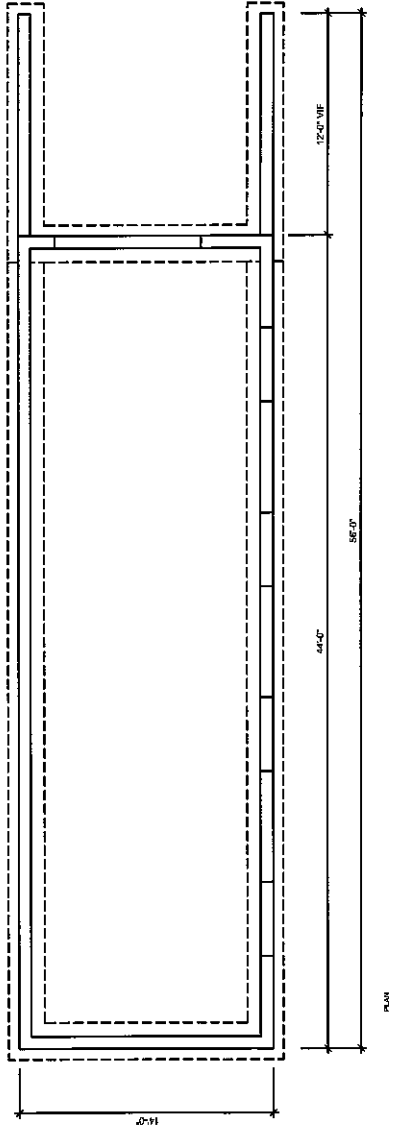
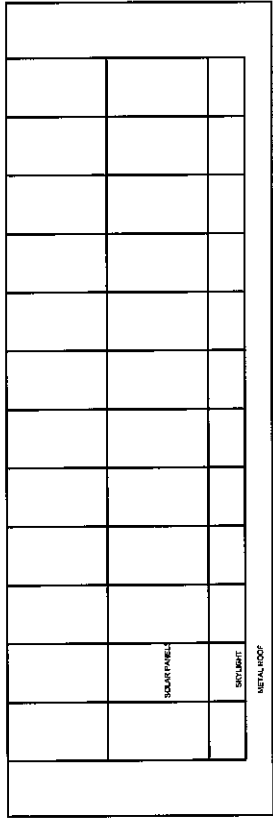
NORTH ELEVATION



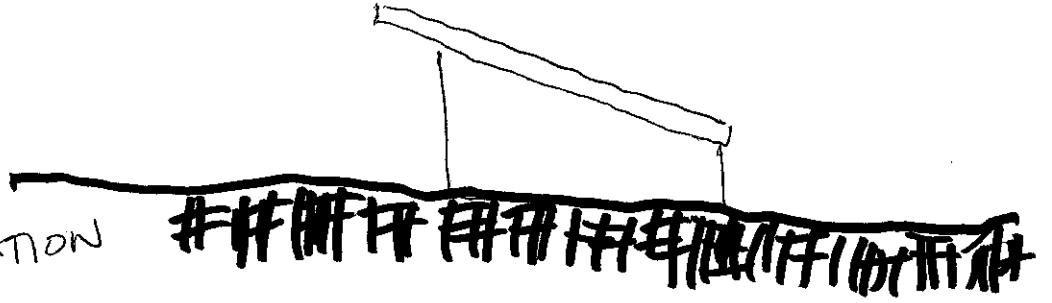
SOUTH ELEVATION



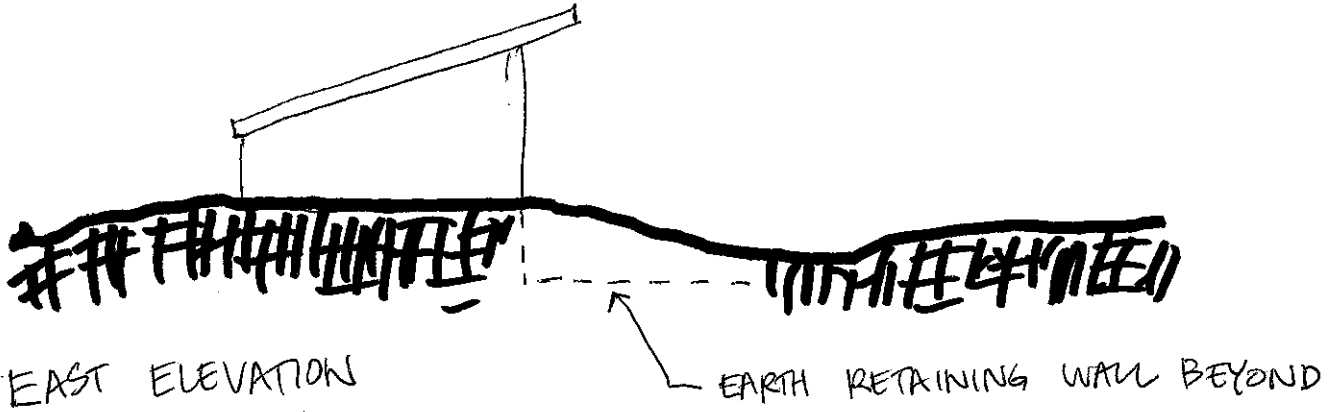
WEST ELEVATION



WEST ELEVATION

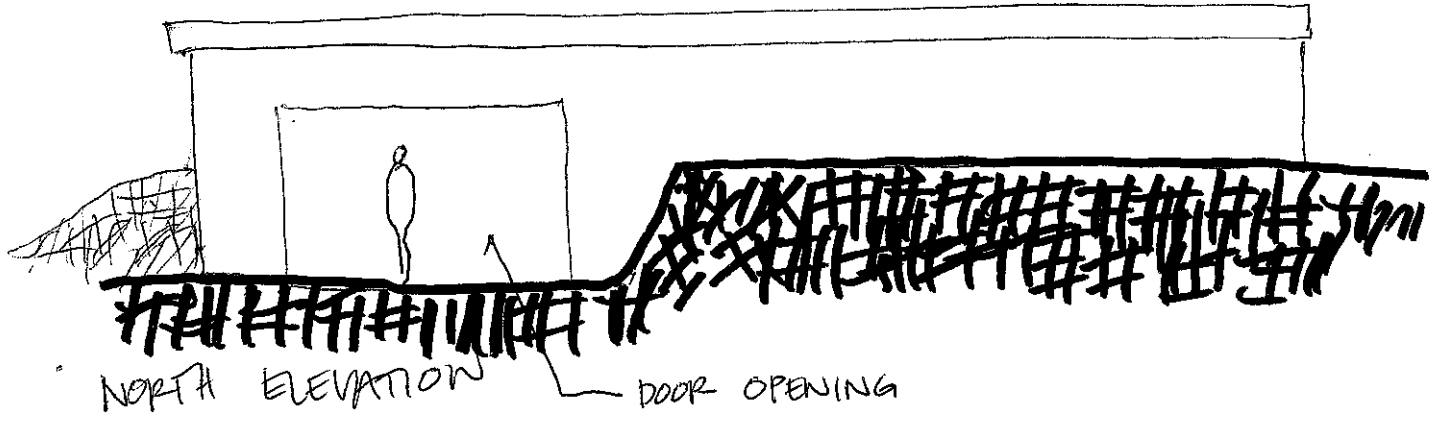


EAST ELEVATION



NORTH ELEVATION

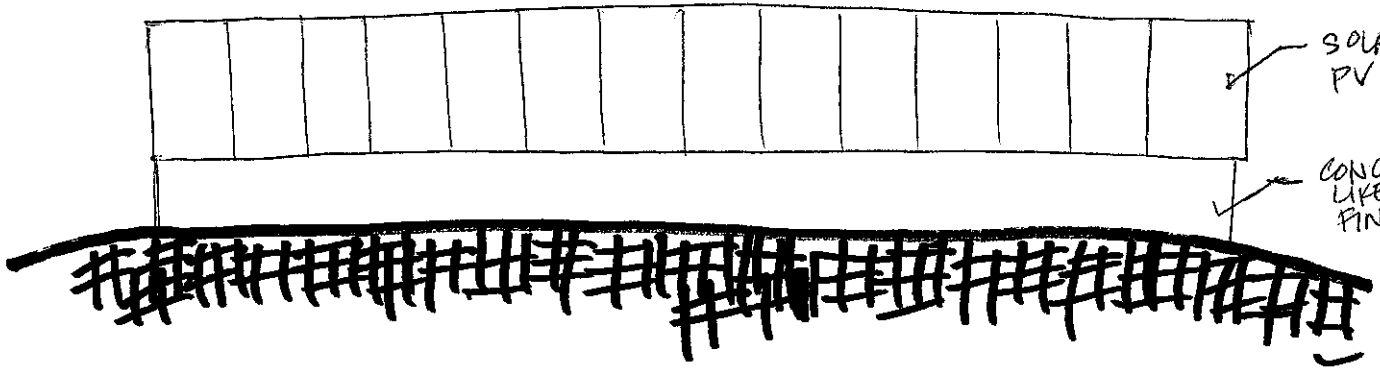
DOOR OPENING



SOLAR PV

CONCRETE LIKE FINISH

SOUTH ELEVATION





ZONING BOARD OF APPEALS  
TOWN OF AURORA

DECISION

RE: APPEAL NO. 1209

A hearing on the above Application of Michael Tunkey and Elaine Chow, petitioners, having been called before the Zoning Board of Appeals Code of the Town of Aurora, in the Town Hall Auditorium, 300 Glead Avenue, on the 17<sup>th</sup> 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:

Wayne Nowocin  
Albert Salter  
Davis Heussler  
Jay Marshall  
Donald Aubrecht

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

Petitioners seek a variance to permit the construction of an accessory building in the front yard of a vacant parcel, SBL # 188.00-1-5; in an "A" Zone (the "Premises").

Susan Johnson, as agent, appeared for the petitioner.

No one else appeared.

Correspondence from John Long of the Erie County Division of Planning indicating "No Recommendation" was received.

The petitioner seeks to construct a new residence on a vacant parcel of land on Blakely Road, west of the curve in the road at the crest of the hill overlooking Olean Road Valley. The construction of the freestanding accessory structure and the residence will be located a distance from the Right of Way greater than the 75 foot front yard setback required. Because of the unique nature of the curved lot on a hill, the petitioner desires to locate the entrance drive directly west of the curve near the top of the hill to afford the best sight lines possible when entering or exiting the drive. Because of the steepness of the slope of land, the garage structure is logically the closest structure to the road (See Exhibit #8).

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

### FINDINGS

This is a Type II 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).

Petitioner seeks to construct an accessory building in the front yard of a proposed new residence. Accessory buildings are not permitted in the front yard in the A district, pursuant to Town Code Paragraph 116-18.

The proposed location of the accessory building/garage and the overall residence proposed is a logical arrangement for the unique site. The neighboring property to the West has a similar arrangement of its accessory structures.

Wayne Nowocin made a motion to grant the petitioner in Case #1209, a variance to permit the construction of an accessory building (item B-2 of the plan submitted) in the front yard.

Jay Marshall seconded the motion.

The vote was:

Jay Marshall	Aye
Albert Salter	Aye
Wayne Nowocin	Aye
Davis Heussler	Aye
Donald Aubrecht	Aye

The motion carries.

RESOLVED, that the variance applied for by Michael Tunkey and Elaine Chow petitioners, in their Application No. 1209, be and here is granted.

Dated: East Aurora, New York  
April 17, 2014



---

Donald E Aubrecht  
Chairman

Petitioner: Michael Tunkey & Elaine Chow  
2000 Blakeley Rd  
East Aurora NY 14052

SBL#: 188.00-1-5.1

=====

Abutting Properties:

Mailing Address (if different)

SBL: 188.00-1-11

✓ Doris & Charles Johnson  
1980 Blakeley Rd  
East Aurora, NY 14052

SBL: 188.00-1-5.223

✓ Joanne Powell  
2060 Blakeley Rd  
East Aurora, NY 14052

SBL: 188.00-3-4

✓ Ellen & Douglas Hayes  
2059 Blakeley Rd  
East Aurora, NY 14052

SBL: 188.00-3-3

✓ Kristen Crawley & Russell DiMarco, Jr  
2045 Blakeley Rd  
East Aurora, NY 14052

SBL: 188.00-3-2

✓ Gretchen Norcia  
2033 Blakeley Rd  
East Aurora, NY 14052

SBL: 188.00-3-1.2

✓ Joyce & ~~John~~ Waterhouse *deceased*  
2027 Blakeley Rd  
East Aurora, NY 14052

SBL: 188.00-4-5

✓ Helen & Andrew Dusel  
2021 Blakeley Rd  
East Aurora, NY 14052

SBL: 188.00-4-4

✓ Heather & Kipp Milliron  
1999 Blakeley Rd  
East Aurora, NY 14052

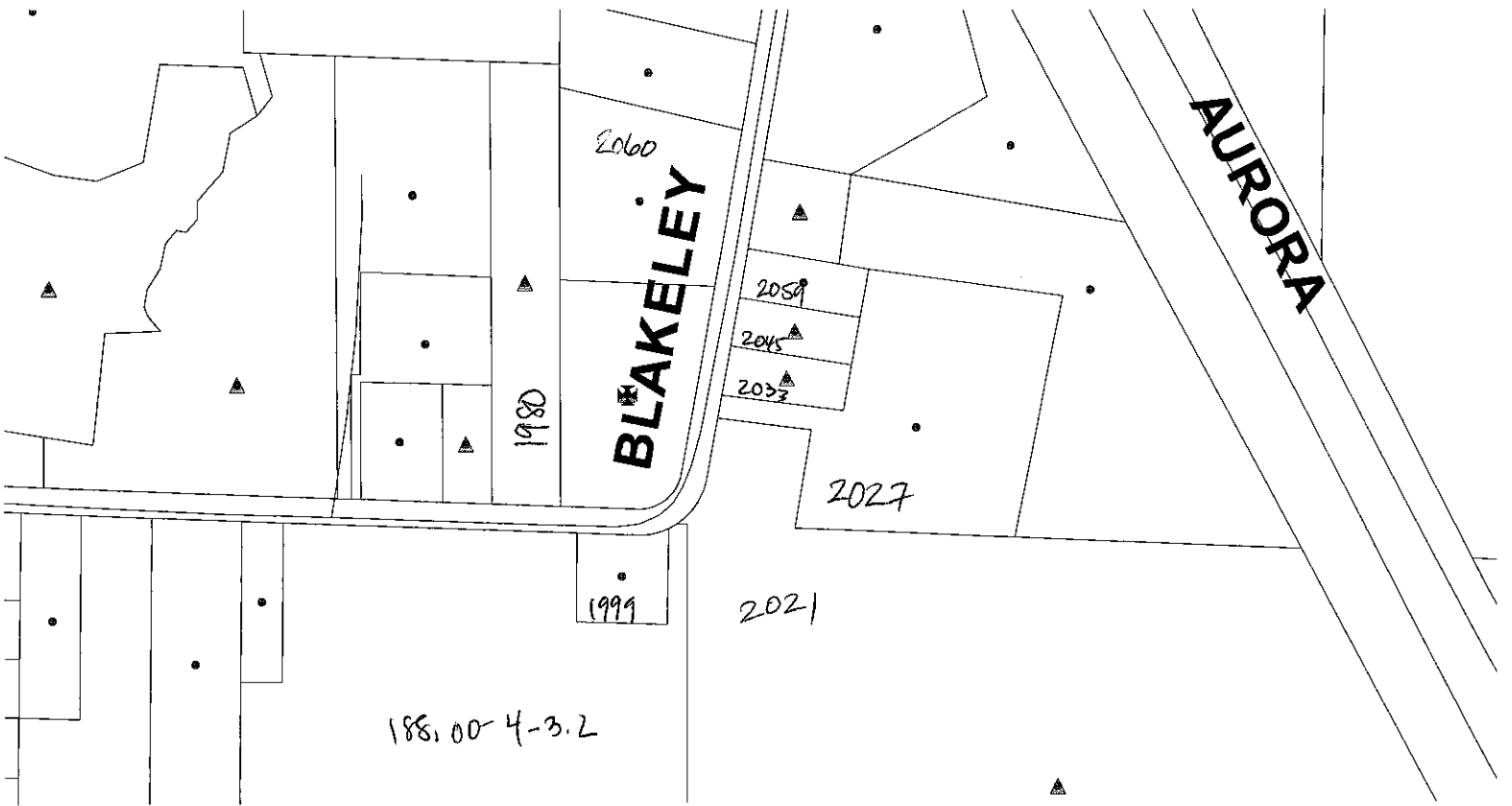
SBL: 188.00-4-3.2 VL

✓ Charles Weeks

180 Northledge Dr  
Snyder, NY 14226

Michael Tunney & Elaine Chow  
2000 Blakeley Rd  
GA

SBL: 188.00-1-5.1



# Google Maps

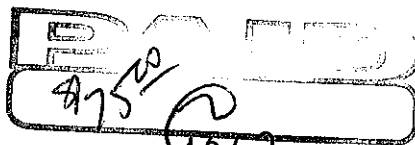


Imagery ©2016 DigitalGlobe, New York GIS, U.S. Geological Survey, Map data ©2016 Google 50 ft

# Google Maps

OK as to form only

**TOWN OF AURORA**  
**Zoning Board of Appeals Request**



Building Application # \_\_\_\_\_  
Building Permit # \_\_\_\_\_

Zoning Appeal Case No. 1262  
Date 4-21-16

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

I, (we) Jonathan + Debra Chmielowiec of 2633 Blakeley Road  
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 Gerald Shaffer, Architect  
Name of Applicant

OF 5095 Old Goodrich Rd., Clarence NY 14031  
(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 2633 Blakeley Road  
SBL # 188.00-3-29.1 ZONING DISTRICT A - Agricultural

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)  
Chapter 116-8 - Table of District Regulations - front yard setback

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 (a height variance was granted in the past for an accessory structure)

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

STATE OF NEW YORK  
COUNTY OF ERIE

[Signature]  
Signature(s)  
5095 Old Goodrich Rd. Clarence, NY 14031  
Mailing Address

Gerald D. Shaffer Jr., 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 31st  
day of March, 2016

[Signature]  
NOTARY PUBLIC

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

**RECEIVED**

MAR 31 2016

TOWN OF AURORA  
TOWN CLERKS OFFICE  
7817 Saw  
Receipt 936449

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



TOWN CLERK  
Martha L. Libroek  
(716) 652-3280  
[townclerk@townofaurora.com](mailto:townclerk@townofaurora.com)

**TOWN OF AURORA**  
**Southside Municipal Center**  
300 Glead Avenue, East Aurora, NY 14052  
[www.townofaurora.com](http://www.townofaurora.com)

TOWN COUNCIL MEMBERS  
Susan A. Friess  
[sfriess@townofaurora.com](mailto:sfriess@townofaurora.com)

Jeffrey T. Harris  
[jharris@townofaurora.com](mailto:jharris@townofaurora.com)

Jolene M. Jeffe  
[jjeffe@townofaurora.com](mailto:jjeffe@townofaurora.com)

Charles D. Snyder  
[csnyder@townofaurora.com](mailto:csnyder@townofaurora.com)

SUPT. OF HIGHWAYS  
David M. Gunner  
(716) 652-4050  
[highway@townofaurora.com](mailto:highway@townofaurora.com)

SUPT. OF BUILDING  
Patrick J. Blizniak  
(716) 652-7591  
[building@townofaurora.com](mailto:building@townofaurora.com)

ASSESSOR  
Richard L. Dean  
[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  
Ronald P. Bennett

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  
NYS Relay Number:  
1(800) 662-1220

Jonathan & Debra Chmielowiec  
2633 Blakeley Rd.  
East Aurora, NY 14052

3/31/2016


Re; Front yard setback at 2633 Blakeley

Jonathon & Debra,

The Building Dept. has reviewed your plans for the addition of a new covered porch to the front of your residence. We have requested that you apply to the Town of Aurora Zoning Board of Appeals because you fail to meet the required setbacks as stipulated by the Town of Aurora District Regulations.

Required: Front yard- 75,  
Requested: Front yard 47.22'  
Variance required: 27.78'

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



**Town of Aurora**  
300 Glead Avenue  
East Aurora NY 14052



**Zoning Board of Appeals Petitioner's Letter of Intent**

Applicants Name Gerald Shaffer, Architect  
 Address 5095 Old Goodrich Road, Clarence, NY 14031  
 Telephone 741-8384

Address of appeal 2633 Blakeley Road  
 Zoning District A- Agricultural  
 Zoning Code Section Chapter 116-B

**Type of Appeal:**


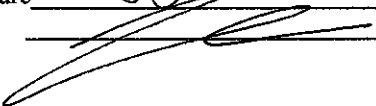
- A PERMIT FOR USE
- A VARIANCE FROM ZONING ORDINANCE
- A TEMPORARY PERMIT OR EXTENSION THEREOF
- A CERTIFICATE OF EXISTING USE
- A PERMIT FOR OCCUPANCY

**GROUNDS FOR VARIANCE:** (may continue on separate sheet)

As part of a substantial addition to my clients' existing residence, we are requesting a variance from the required 75'-0" minimum front yard setback to construct a New Entrance Porch off the front of the residence, which has an existing non-conforming 54.22' front yard setback at the narrow point. The proposed new porch is 9'-0" wide + projects 7'-0" from the building line, which would place it approximately 48' off of the right-of-way. We feel the proposed alterations will produce a desirable change to the residence + neighborhood - to provide a more traditional center-entrance look.

**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 3-31-16  
 Owners Signature  Date 3/31/16



March 31, 2016

Jonathan Chmielowiec  
2633 Blakely Road  
South Wales, New York 14139

Town of Aurora  
Zoning Board of Appeals  
300 Glead Avenue  
East Aurora, New York 14052

Dear board members,

Gerald Shaffer, Architect has my permission to act as the applicant & to represent me at the zoning board of appeals hearing for the requested variance for the proposed new front entrance porch addition to our residence.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping, fluid strokes that form a cursive name, likely Jonathan Chmielowiec.



Existing North (Front) Elevation

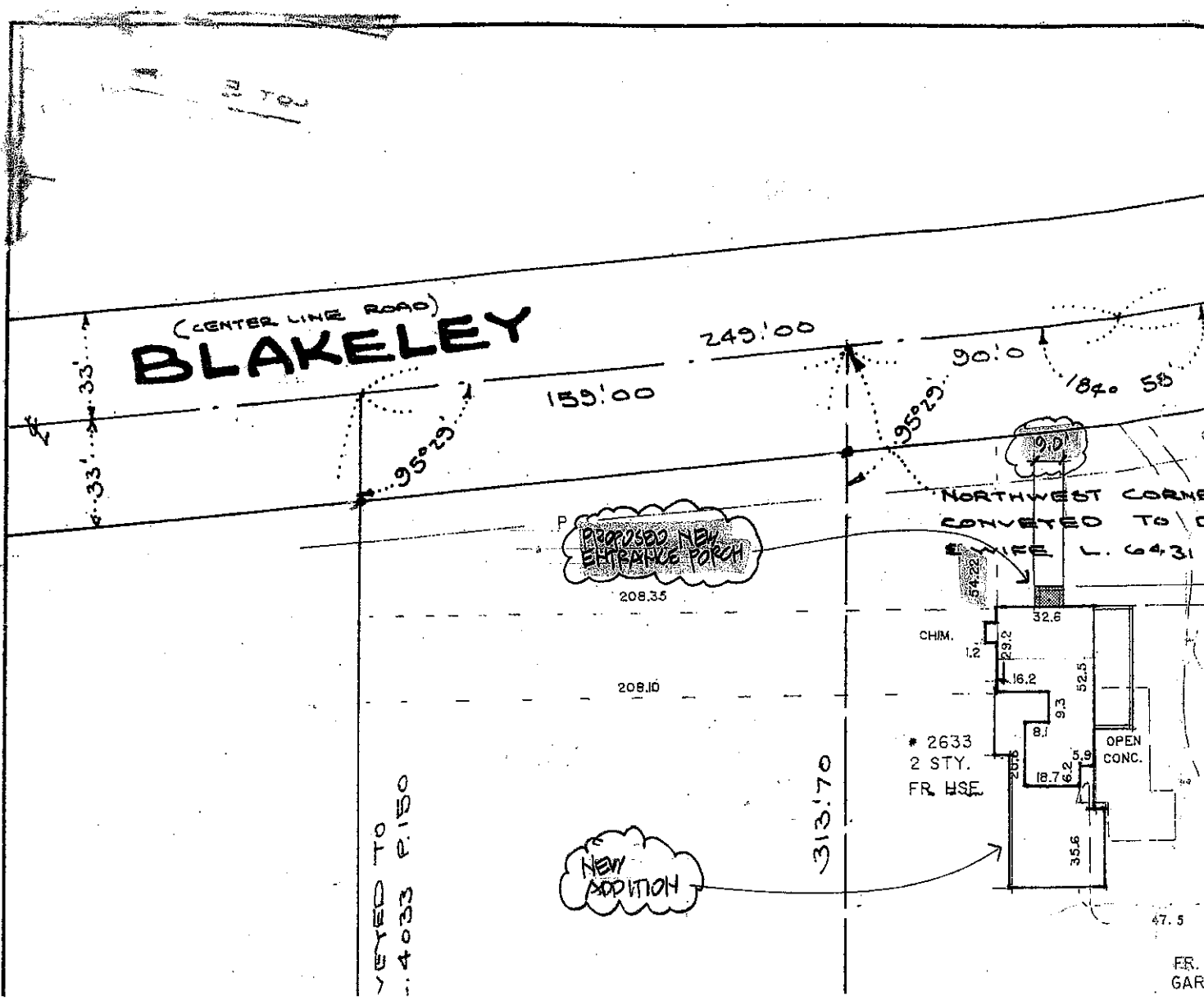
## **The Chmielowiec Residence**

2633 Blakely Road, East Aurora, New York

**Gerald Shaffer, Architect**

5095 Old Goodrich Road, Clarence, New York

(CENTER LINE ROAD)  
**BLAKELEY**



PROPOSED NEW ENTRANCE PORCH

NEW ADDITION

VEYED TO  
4033 P. 150

NORTHWEST CORNER  
CONVERTED TO C  
184° 50'

\* 2633  
2 STY.  
FR. HSE.

47.5

FR.  
GAR.

Petitioner: Jonathan Chmielowiec & Debra Litchfield  
2633 Blakeley Rd  
South Wales, NY 14139

SBL#: 188.00-3-29.1

=====

Abutting Properties:

Mailing Address (if different)

SBL: 188.00-2-6.12  
Timothy G Francis, Executor  
Justine Nadherny, Trustee  
Andrea C Nadherny Estate  
2584 Blakeley Rd  
South Wales, NY 14139

SBL: 188.00-2-6.2  
Dorothy M Francis L/E  
Timothy G Francis  
2610 Blakeley Rd  
South Wales, NY 14139

SBL: 188.00-2-5.2  
Joseph S Nicosia  
2634 Blakeley Rd

1050 Main St  
Buffalo, NY 14209

SBL: 188.00-2-5.1  
Susan & Gordon Keehn  
V/L Blakeley Rd

2701 Rydal Ct  
Raleigh, NC 27613

SBL: 188.00-3-27  
Lucinda Hickey  
2575 Blakeley Rd

33 Burbank Dr  
Amherst, NY 14226

SBL: 188.00-3-31.121  
Jonathan & Debra Chmielowiec  
2643 Blakeley Rd

→ 2633 Blakeley Rd

SBL: 188.00-3-30  
Kevin Kapalczynski  
2655 Blakeley Rd  
South Wales, NY 14139

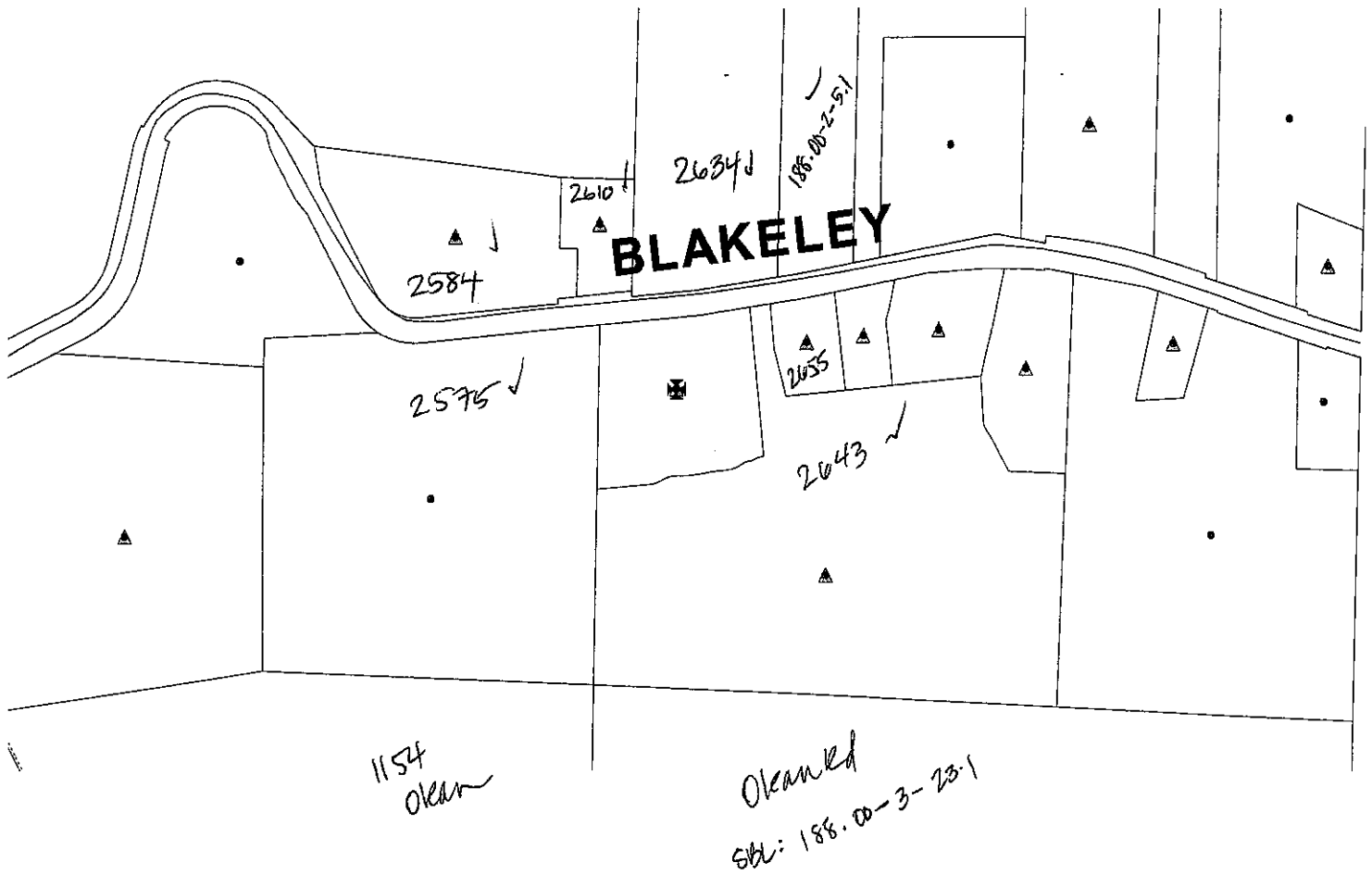
SBL: 188.00-3-25  
Harold Burgett  
1154 Olean Rd  
South Wales, NY 14139

SBL: 188.00-3-23.1  
John Hitchings  
V/L Olean Rd

PO Box 183  
South Wales, NY 14139

Gerald Sheffer, Architect  
AAF

Jonathan Chmielowiec  
Debra Litchfield  
2633 Blakeley Rd  
SWales 14139



OK as to form only

TOWN OF AURORA  
Zoning Board of Appeals Request

PAID  
2/15/16

Building Application # \_\_\_\_\_  
Building Permit # \_\_\_\_\_

Zoning Appeal Case No. 1263  
Date 4.21.16

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

I, (we) Scott Fentzke of 801 Olden Road  
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 Scott Fentzke  
Name of Applicant

OF 801 Olden Rd, West Falls, NY  
(Street & Number) (Municipality) (State)

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

1. LOCATION OF THE PROPERTY 801 Olden Road  
SBL # 199.00-2-14.2 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)

Table of District Regs - Permitted Uses

3. TYPE OF APPEAL. Appeal is made herewith for:

- An interpretation
- A variance to the Zoning Ordinance use variance
- 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

Norman S. Fentzke  
Signature(s)

\_\_\_\_\_  
Mailing Address

Norman S. Fentzke, 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 31st  
day of March, 2016

Sheryla A. Miller  
NOTARY PUBLIC

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

RECEIVED

MAR 31 2016

TOWN OF AURORA  
TOWN CLERKS OFFICE

3/31/16  
Receipt # 936447

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**  
**Southside Municipal Center**  
300 Glead Avenue, East Aurora, NY 14052  
[www.townofaurora.com](http://www.townofaurora.com)

3/31/2016

Scott Fentzke  
801 Olden Rd.  
West Falls, NY 14170

RE: 801 Olden Rd.

Dear Mr. Fentzke:

The Building Department has reviewed your application to maintain a business in an A zone by way of a use permit. We have denied your application because it violates our local zoning code that deals with Business uses in a Residential zone. According to Town Of Aurora Table Of District Regulations, "Shops for custom work such as mechanical trades or repair" is allowed in a B-2 District. Operating this business in an A District is prohibited.

If you wish to pursue relief from this Code, (Use Variance) due to unique circumstances, an application to the Aurora Zoning Board of Appeals must be submitted as well as a \$75 fee and a letter addressed to the ZBA explaining your need for this relief. If you have any other questions or comments, feel free to contact me at (716) 652-7591.

Patrick Blizniak

A handwritten signature in black ink, appearing to read "Patrick Blizniak", written over a light blue horizontal line.

Superintendent of Building



**Town of Aurora**  
 300 Glead Avenue  
 East Aurora NY 14052



Zoning Board of Appeals Petitioner's Letter of Intent

Applicants Name SCOTT FENTEKE  
 Address 801 OLDEN ROAD  
 Telephone 716-655-3942

Address of appeal 801 OLDEN ROAD  
 Zoning District A  
 Zoning Code Section Table of District Regulations - Permitted Uses

Type of Appeal:

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

GROUND FOR VARIANCE: (may continue on separate sheet)

Having a love for motorcycles from a young age  
of 16 yrs old that I always want my own bike  
because my father had one. So when I was still  
in high school I got my first bike that needed much  
repair and that was the start of my mechanical  
career, being very good at it also, I worked for a few  
shops in the area; but I got in the trades as a sheet metal  
worker for a 31 year career, I wanted to do metal work  
for my business but it interfered with the union and people  
didn't see my work and I needed something different, make  
new friends and get my work on the street. Continued -

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 Scott Fenteke Date 3-31-16  
 Owners Signature Scott Fenteke Date 3-31-16



work in the metal trade was always a little Shaky, so that's when I started Performance Fabrications in 1992 I did a race Car for a friend and he wanted to Put a name on the Car.

In 1995 I built my first Harley Davidson and had it featured in a magazine and that's when the market went wild. Old friends, New friends wanted me to work on there Bikes and its been a good Ride since.

Working full time in Coats. and coming home and Raising two Sons and working on motorcycles was Hard besides the yard and house work was Very rewarding and today the industry knows who I am and I worked Very hard to get to this point of My life 45 years and I love to make people happy at what I do Best. Now That Ive been Retired from Const. I now Reely need ~~the~~ extra income. What started as a hobby 20 some yrs ago Turned into something my wife and I truly love.

I like to thank each and everyone of you for taking the time to here my Story!

Phil Fealyk

P.S. I would also like to invite the Zoning Board out any time to see what I have going on. Just give me a heads up 655-3942

# OLDEN ROAD

49.5' WIDE

125.00'

1263.24' TO  $\phi$  OF GROVER RD.  
AND E. LINE OF LOT 42

N.E. COR. OF L. 4243, P. 225

OVERHEAD  
POWER LINES  
12' E.N.

88°-09'-54"

UTIL. POLE

91°-50'-06"

P. FND. 1P

0.12' E & ON Line

FND. 1P  
0.55' S.  
ON Line

FENCES  
ON Line  
0.26' E.

TRIP  
MARKERS  
11.03  
11.8' N.

SERVICE LINES  
99.59'

BLACKTOP DR.  
46.30'

No. 801

25.01'

17.0  
WOOD  
DECK

CONC.

64.45  
1-STY.  
FRAME HOUSE

25.40'

24.29

64.49  
CONC.

19.0  
9.6  
9.0  
15.3  
6.0  
CONC.  
PATIO

Planters



12x16  
SHED

374.75'

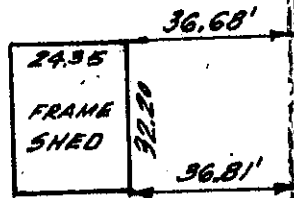
374.75'

PARALLEL

PARALLEL WITH  $\phi$  OF  
GROVER RD. & E. LINE  
OF LOT 42

NOTE:

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



24.35

FRAME  
SHED

32.20

36.68'

36.81'

Fence  
ON Line

NOTE: THE EASEMENT GRANTED TO NYSEG IN  
LIBER 410 OF DEEDS AT PAGE 82 APPEARS  
TO BE FOR THE OVERHEAD POWER LINES WHICH  
ARE LOCATED WITHIN THE ROAD RIGHT OF WAY.

ALICOR SAVINGS BANK, FSB  
ITS SUCCESSORS AND/OR ASSIGNS

I HEREBY CERTIFY TO:

THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH  
THE CURRENT CODE OF PRACTICE FOR LAND SURVEYS  
ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFE-  
SSIONAL LAND SURVEYORS ASSOCIATION AND THE BAR  
ASSOCIATION OF SULLY COUNTY (NEW YORK).

*James L. Shulko* L.S.

NOTE: 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.

*James L. Shulko*

Petitioner: Scott Fentzke *& Pamela*  
801 Olden Rd  
West Falls, NY 14170

SBL#: 199.00-2-14.2

=====

Abutting Properties: Mailing Address (if different)

SBL: 199.00-2-6.1  
Ellen Bartoo  
800 Olden Rd  
West Falls, NY 14170

SBL: 199.00-2-12  
Merle & Ruth Parker  
833 Olden Rd  
West Falls, NY 14170

SBL: 199.00-2-13  
Richard Fial  
815 Olden Rd  
West Falls, NY 14170

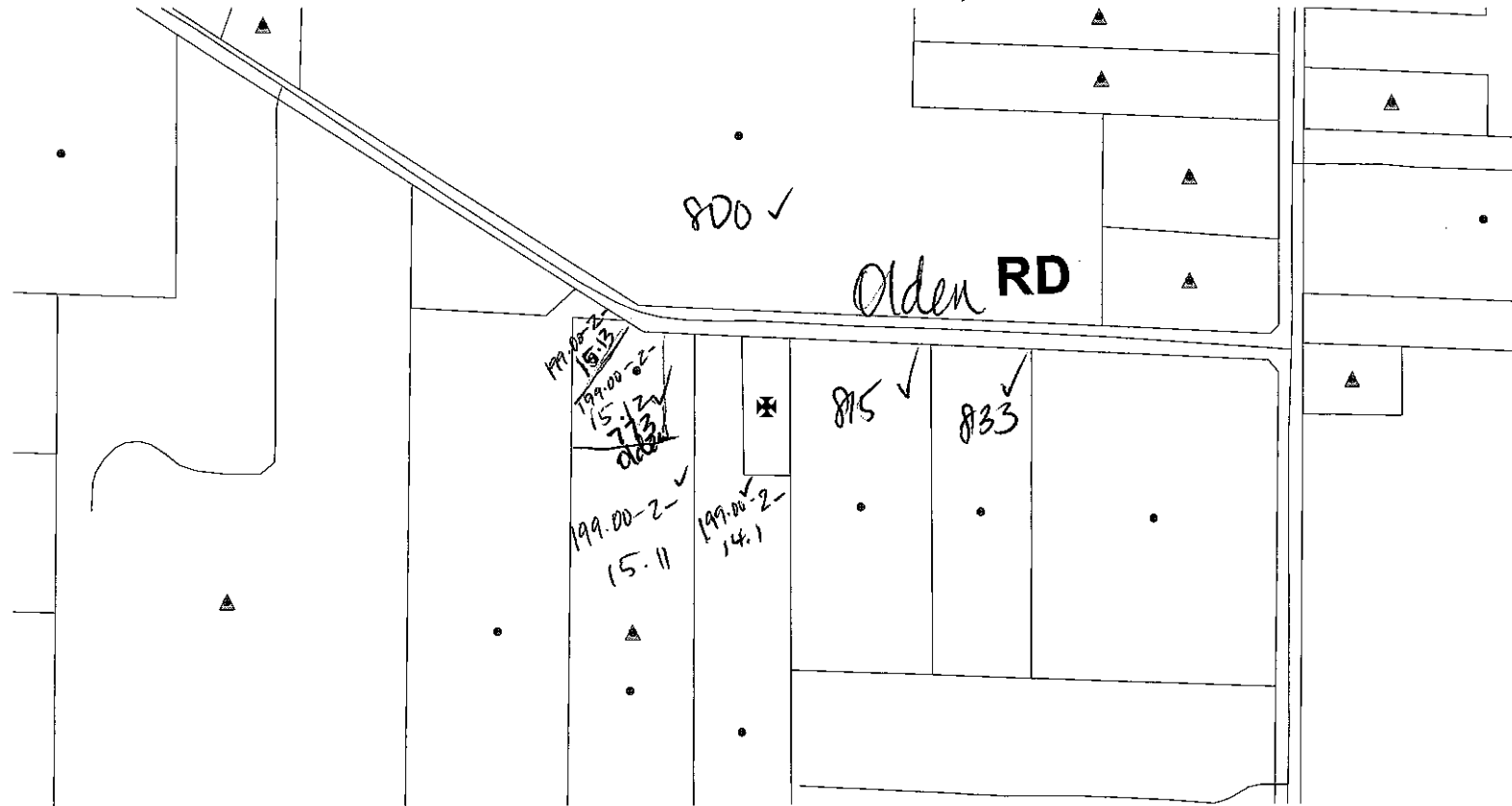
SBL: 199.00-2-14.1  
Earl & Ruth Wolff  
V/L Olden Rd  
572 Olden Rd  
West Falls, NY 14170

SBL: 199.00-2-15.11  
Earl & Ruth Wolff  
V/L Olden Rd  
572 Olden Rd  
West Falls, NY 14170

SBL: 199.00-2-15.12  
William Wolff  
773 Olden Rd  
West Falls, NY 14170

SBL: 199.00-2-15.13  
Lucas Wolff  
765 Olden Rd  
West Falls, NY 14170

Scott Fentzke  
801 Olden Rd  
WF 14170  
SBL: 199.00-2-14.2



800 ✓

Olden RD

199.00-2-15.13  
199.00-2-15.12  
199.00-2-15.11  
Olden

199.00-2-15.11 ✓

199.00-2-14.1 ✓

815 ✓

833 ✓

CASE REVIEW # 1234-R

Zoning Appeal Case # 1234-R  
Approved/ Denied Date

Hearing Date

PAID  
No renewal

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: Christine Ambrosone & Warren Davis  
Address: 91 Giraffe Rd, East Aurora 14052  
Agent: \_\_\_\_\_  
Address: \_\_\_\_\_  
Contractor: \_\_\_\_\_

GENERAL INFORMATION

1. Location of property: 91 Giraffe Rd SBL# 165.09-2-5 Zone R1
2. State present use: Residence
3. State the nature of the permission requested: 10 hens & 1 Rooster
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: 10 hens 1 Rooster no change from 2015
2. and that it would not be detrimental to the property or persons in the neighborhood because: no change from last year
3. and that it would not increase the traffic flow in the area to the extent that traffic safety would be endangered because;
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: \_\_\_\_\_
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: 91 Giraffe Rd

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

Subscribed and sworn to before me this 9th day of March, 2016

[Signature]  
Notary Public

SHARON K. OSBORNE  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires April 24, 2019

ZONING BOARD OF APPEALS  
TOWN OF AURORA  
DECISION

RE: APPEAL NO. 1234

A hearing on the above Application of Christine Ambrosone and Warren Davis, Petitioners, 91 Girdle Road, East Aurora, New York having been called before the Zoning Board of Appeals in the Southside Municipal Building, 300 Gleed Street, on the 19th day of March, 2015 at 7:00 p.m., 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 (Exhibit 1), was held at said time and place. There were present:

Albert Salter  
Donald Aubrecht  
James Whitcomb  
Wayne Nowocin

The secretary read the Notice of Public Hearing and the Affidavit of Publication which were duly marked as exhibits herein. Exhibit 1 and 2.

Petitioners seek a special use permit to keep up to eleven chickens at 91 Girdle Road SBL #165.09-2-5 in an R-1 zone (the "Premises"). Exhibit 3.

Petitioner Christine Ambrosone appeared.

No one else appeared.

At a duly convened public meeting held on the 19 day of March, 2015 and after said public meeting, the Zoning Board of Appeals finds as follows:

**Findings**

1. This is a 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). At the hearing the Board issued a negative declaration pursuant to SEQR, dated March 19, 2015 which is filed herewith.
2. Petitioners currently own six hens and are moving to the Premises and have requested permission to continue to keep the chickens. Petitioners currently have ten hens and one rooster. Petitioner keep the chickens for the eggs for their personal use.

3. Petitioners have constructed a coop which will be located in the rear yard in the location shown on Exhibit 6. The coop will be inside a fenced in area also shown on Exhibit 6 and will serve as the run for the chickens. The fence is a chain link, woven wire fence.
4. Petitioners will compost the chicken refuse on the Premises. The coop will also be used to store food.
5. The Board will review the special use in one year to determine if there are have been any complaints concerning the chickens

Wayne Nowocin made a motion to grant the Petitioners a special use permit to keep eleven adult chickens, ten hens and one rooster at the Premises and the Board will review this special use permit in one year.

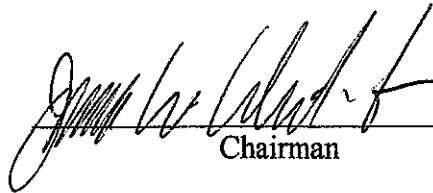
Donald Aubrecht seconded the motion.

On a roll call, the vote was

Albert Salter	Aye
Donald Aubrecht	Aye
James Whitcomb	Aye
Wayne Nowocin	Aye

RESOLVED, that the special use permit applied for by Christine Ambrosone and Warren Davis, Petitioners, in their Application No. 1234 be and hereby is granted subject to the conditions set forth herein.

Dated: East Aurora, New York  
March 19, 2015

  
Chairman

STATE ENVIRONMENTAL QUALITY REVIEW ACT  
DETERMINATION OF SIGNIFICANCE

This notice is issued by the Zoning Board of Appeals of the Town of Aurora ("Board"), acting as lead agency, in an 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 "SEQRA").

The Board has determined that granting Petitioners Christine Ambrosone and Warren a special use permit to allow 11 chickens total at SBL # 165.09-2-5 in an R-1 zone (the "Project") will not have a significant adverse impact upon the environment and that a negative declaration pursuant to SEQRA may be issued. Reasons supporting this determination are fully explained below.

**Project Name:** Special Use Permit to Allow the Keeping of Chickens

**SEQR Status:** Unlisted

**Project Description:** Petitioners intend to keep up to 11 chickens to obtain fresh eggs.

**Location:** Town of Aurora, County of Erie, State of New York SBL # 165.09-2-5 ("the Premises").

**Reasons Supporting This Determination:**

1. The Board as Lead Agency conducting a review has considered the full scope of the Project.
2. Petitioners reside at the Premises and intend to keep 11 chickens to obtain fresh eggs. This number of chickens will not have a significant impact upon the surrounding neighborhood or alter the essential character of the existing neighborhood. The Project is not in conflict with the Town's current plans or goals.
3. The Proposed Site has 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 Proposed Site.
6. The Project will generate solid waste which the Petitioners will compost. The Project will not generate any hazardous waste.
7. The Petitioners have constructed a chicken coop and run which while visible do not create any visual impacts. As such, the Project will not significantly alter the visual and/or aesthetic resources in the area of the Proposed Site and will not have a significant adverse visual impact upon the scenic quality of the landscape.



8. The Project will not result in the removal of any vegetation at the Proposed Site and will not affect plants and animals in and around the Proposed Site.
9. 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.
10. There are no anticipated changes in traffic flow to and from the Proposed Site as a result of the Project.
11. The Project will not generate any unpleasant noise or odors.
12. There will be no adverse environmental impacts as a result of the Project.

**For Further Information Contact:** Zoning Board of Appeals  
Town of Aurora  
Southside Municipal Center  
300 Gleed Street  
East Aurora, New York 14052  
Attn: Patrick Blizniak,  
Chief Building Inspector

sAmbrosoneNegDec

Petitioner: Christine Ambrosone & Warren Davis  
91 Girdle Rd  
East Aurora, NY 14052

~~11550 Pratham Rd  
East Concord, NY 14055~~

SBL#: 165.09-2-5

=====  
Abutting Properties:

Mailing Address (if different)

✓ SBL: 165.13-1-13  
Village of East Aurora  
400-419 Pine St

571 Main St  
East Aurora, NY 14052

✓ SBL: 165.09-2-9.1  
George & Leanne Karalus  
75 Girdle Rd  
East Aurora, NY 14052

✓ SBL: 165.09-2-6  
Robert & Mary Ann Kull  
81 Girdle Rd  
East Aurora, NY 14052

✓ SBL: 165.09-2-4  
Paul & Kristin Weiss  
105 Girdle Rd  
East Aurora, NY 14052

✓ SBL: 165.09-2-3  
David & Donna Hartney  
115 Girdle Rd  
East Aurora, NY 14052

✓ SBL: 165.10-1-10  
Bruce & Laurie Oravec  
78 Girdle Rd  
East Aurora, NY 14052

✓ SBL: 165.10-1-11  
Kenneth Keller  
90 Girdle Rd  
East Aurora, NY 14052

✓ SBL: 165.10-1-12  
Marvin & Joyce Madison  
102 Girdle Rd  
East Aurora, NY 14052

Christine Ambrosone  
Warren Davis  
91 Girdle Rd  
SBC 165.09-2-5

