

Steven & Sherri Tait
1427 Townline Road
Elma, NY 14059

4B

February 23, 2015

Aurora Town Board
Town of Aurora
300 Gleed Avenue
East Aurora, NY 14052

Dear Board Members:

I would ask your consideration of my request for an Open Development Area (ODA) for property that my wife (Sherri) and I own on Quaker Road in the Town of Aurora. We purchased the property in 1998 which consisted of a 4-unit property on approximately 5 acres of land. We lived there for two years while we fixed up each of the four units. During this time we started the process of separating the property while consulting with the building department to the applicable codes so that we could eventually build on the vacant property. Recently, we approached the building department about the prospect of building on the property and were told that in the intervening years, the building regulations had changed so that we would not be able to build on these lots without receiving some relief from the Town Board from the present building requirements. We presently live at 1427 Townline Road in the Town of Marilla and would like permission to "develop" this property.

We have attached additional information to this letter which includes:

- a) Steven P. Tait & Sherri S. Tait; 1427 Townline Road; Elma, NY 14059; Owners & "Developers" – Previous address of 2035 Two Rod Road; Marilla, NY 14102 & 773 Quaker Road; East Aurora, NY
- b) surveys of each property showing existing structures, property lines, aerial photography, and USGA photography
- c) Location, width, and approximate grade of all proposed access roadways
- d) Location, dimensions, and area of all proposed or existing lots, drainage plans, public utilities, and sewage disposal (septic)
- e) Acreage of the property to be developed to nearest 1/10th of an acre
- f) There are no 100 year or 500 year floodplains on or adjacent to the property
- g) There are no National or State Wetlands on or adjacent to the property

- h) Location and approximate watershed size of drainage ways
- i) Completed Part 1 of the Short Form SEQR

The two lots to be developed would be improved within the existing building and zoning restrictions with the lot at the rear to grant an access easement to the other two lots. The maintenance plan for this right of way would be for all three properties to share in the cost of maintenance of the driveway which would include stone replacement, asphalt maintenance, or any other costs of repair. The driveway would be owned by the owner of the rear lot but ownership of a right-of-way would be granted to the other two property owners using the driveway. Each year a vote would be taken between these three property owners and the majority vote would determine the work to be undertaken and the costs divided reflecting that the first property owner uses 33 % of the driveway, the second property owner uses 66 % of the driveway, and the third property owner (at the rear) utilizes 100 % of the driveway. Therefore, the owners of the right of way would contribute 25 % each toward the repair and maintenance of the driveway.

The water supply would be from the Erie County Water Authority for which three two-inch water lines were installed 15 years ago to the rear property line of the lot closest to the road at the direction of Steven D'Amico of the ECWA. Primary electric service was also installed by NYSEG utilizing overhead lines on NYSEG poles 15 years ago which are still owned by this utility. A two-inch main natural gas service line was also installed to the rear of this first lot 15 years ago as denoted by the National Fuel Gas markers along the driveway. All of these utilities were installed at the direction of the respective utility, and according to their regulations. Each utility service line has been installed so that there will be adequate supply for two additional houses.

We have maintained our tax payments regularly for each of these properties under the belief that we could build on them and have incurred this additional tax burden willingly under that assumption. We would request that you approve our request for an Open Development Area (ODA) so that we may construct a home on these two properties. We very much appreciate your time and deliberation in consideration this request.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Steven & Sherri Tait". The signature is written in black ink and is positioned above the printed name.

Steven & Sherri Tait



TOWN OF AURORA
OPEN DEVELOPMENT AREA APPLICATION

To Be Completed By Applicant

PETITIONER: Name: Steven P. and Sherri S. Tait
Address: 1427 Townline Road
Elma New York 14059
Phone: (716) 714-5005 Fax: (716) 714-5005
E-Mail: taittbbi@gmail.com

PROPERTY OWNER (if different from petitioner):

Name: Same
Address: Same Ph. No. Same
779 Quaker Road 175.09-1-1.14
PROJECT ADDRESS: 781 Quaker Road; 175.09-1-1.13
No. Street SBL No.

PROJECT DESCRIPTION: Parcel split was performed in 2000,
would like to obtain building permit
for two lots not yet built upon

Signature of Applicant: Steven Tait

State of New York) :SS:
County of Erie)

On the 18th day of February, in the year 2015, before me, the undersigned, a notary public in and for said state, personally appeared Steven and Sherri Tait, 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 they 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.

Karen A Parry
Notary Public

KAREN A. PARRY
NOTARY PUBLIC, STATE OF NEW YORK
No. 01PA6223525
Qualified in Erie County
Commission Expires: June 14, 2018

OFFICE USE ONLY:
File #: _____ Number of Lots _____ Total Acreage _____ Zoning _____
Open Development Area Review Application Fee \$ _____
Materials Received by
Town Clerk & Fee Paid _____
Accepted by _____ Date _____

TOWN OF AURORA 5 SOUTH GROVE STREET, EAST AURORA, NY 14052
(716) 652-3280 FAX (716) 652-3507 www.townofaurora.com



Town of Aurora
5 South Grove St.
East Aurora NY 14052



Zoning Board of Appeals Petitioner's Letter of Intent

Applicants Name Steven P. Tait
Address 1427 TOWNLINE ROAD; ELMA, NY 14059
Telephone 716-714-5005; 716-480-5800

Address of appeal 779 Quaker Road; East Aurora, NY 14052
Zoning District Residential-2 (R2)
Zoning Code Section 79-1 (Open Development Area - ODA)

Type of Appeal:

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

GROUND FOR VARIANCE: (may continue on separate sheet)

Approximately 13 1/2 years ago, I went through the process of dividing the property at 773 Quaker Road with the intention of eventually constructing one two-family homes on each of the three parcels. I went through this procedure after consulting with the building code at that time and with the full advice and knowledge of Erie County Water Authority (Steven D'Amico), National Fuel Gas, NYSEG (Sue Destphal), and my attorney (Douglas Trumpler). While this was according to Town Building Code at that time and I have paid property taxes at the building lot rate for these parcels over this entire period, it is my understanding that the code has been changed. I would like to utilize these lots through making my best effort to stay within the Town's regulations.

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 Steven P. Tait Date 2-18-15
Owners Signature Steven P. Tait Date 2-18-15

OK as to form only

TOWN OF AURORA
Zoning Board of Appeals Request

Building Application # _____
Building Permit # _____

Zoning Appeal Case No. _____
Date 3-27-14

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

I, (we) Steven P. and Sherri S. Tait of Elma, NY
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 Steven P. and Sherri S. Tait
Name of Applicant

OF 1427 Townline Road, Elma, New York
(Street & Number) (Municipality) (State)

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

1. LOCATION OF THE PROPERTY 779, 781 Quaker Road
SBL # 175.09-1-1.14 ; 175.09-1-1.13 ZONING DISTRICT R-2

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)
79-1

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 _____ signature
_____ of _____ mailing address

_____, 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 _____ day of _____, _____ signature

NOTARY PUBLIC


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			
Steven P. Tait			
Name of Action or Project: Open Development Application for Building on Existing Property			
Project Location (describe, and attach a location map): 777 Quaker Road; East Aurora, NY 14052			
Brief Description of Proposed Action: Property was subdivided more than 10 years ago according to at that time approved dimensions and specifications. Due to changes in lot sizes and codes during the past years, we can not conform to existing regulations and construction. We would ask that we be "grandfathered"			
Name of Applicant or Sponsor: Steven P. Tait		Telephone: 716-480-5800	
		E-Mail: taittbbi@gmail.com	
Address: 1427 Townline Road			
City/PO: Elma		State: NY	Zip Code: 14059
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	YES
		X	
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:		NO	YES
		X	
3.a. Total acreage of the site of the proposed action?		<u>2.75</u>	acres
b. Total acreage to be physically disturbed?		<u>.5</u>	acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>4.5</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			

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: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input 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: <u>Steven P. Tait</u>	Date: <u>11/4/14</u>	
Signature: <u></u>		

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

