

CASE NO. 1433

DATE OF HEARING 4/20/23

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

Zoning Board of Appeals Application Form

I. TYPE OF REQUEST					
AREA VARIANCE	SPECIAL USE PERMIT	X USE VA	ARIANCE	INTERPRETAT	ΓΙΟΝ
II. APPLICANT/PETITION	EK				
Applicant's Name Eric Schi	nirel and Molly Duggan S	chnirel			
Address 1030 Porterville Ro		**************************************		······································	
City East Aurora			New York	ZIP_ 14052	
Phone _(;	Fax	Email med	dug		
Interest ir	er/purchaser/develop	er) Owner	S		
	·	,			,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
III. PROPERTY OWNER II	VFORMATION (If differ	ent from appli	cant information	n)	
				··· <i>,</i>	
Property Owner(s) Name(s)_	Eric Schnirel				
Address 1030 Porterville Ro		···· ··· ··· ··· ··· · · · · · · · · ·			
City			State NY	ZIP_ <u>1</u> 4	052
Phone (Fax	Email			<u> </u>
		, <u> </u>		·	
III. PROPERTY INFORMA	TION				
Property Address (960A)Po	orterville Bd. Fast Aurora	NY 14052			
SBL# 165.000-1-13.1	A COLUMN TEST ESCOT TOTOLO	, 111 1-1002			***************************************
Property size in acres 6.8		Proporty Ero	ntaga in faci	4 NIZA OLIADEEN E	SOUTH MESSURE
				t <u>N/A SHARED F</u>	
Zoning District R1					-
Current Use of Property Re	scentiy purchased- family	/ use			•
N/ DECLIEST DETAIL	•				
IV. REQUEST DETAIL					
(check all that apply)	Continuo (n) # 11/	814/01			
× Variance from Ordinance		8.111(8)			-
Special Use Permit for					
Use Variance for: Non-	owner occupied Bed & B	reaktast: own	er would be st	aying on adjacent	t property with
Interpretation of _family					_

V. SIGNATURES (This application must be signed by the applicant/petitioner. If the applicant is not the owner of the property, a separate owner authorization form must be submitted – see pg. 5)							
Signature of Applicant/Petitioner Enc Schnice Print name of Applicant/Petitioner State of New York; County of Erie							
On the II day of Mach in the year 2023 before me, the above individual appeared, personally known to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same for the purposes therein stated. Onnucle							
Office Use Only: Date received: 3/14/3 Receipt #: 568/89 CK 4448 Application reviewed by:							
ECDP ZR-1 form sent to EC: Hearing publication date:							
PREVIOUS APPEAL(S):							
A previous appeal to the Zoning Board of Appeals () has () has not been made with respect to this property.							
Previous appeals:							

Date: _____ Type of Appeal: ____

Date: _____ Type of Appeal: _____

Granted ____ Denied ____

Granted ____ Denied ____

PETITIONER'S LETTER OF INTENT

	al: (attach additional pages if needed) Please see letter attached to application
	i leade dee letter attached to application
····	
TO F	BE COMPLETED ONLY WHEN A USE VARIANCE IS BEING REQUESTED:
	e Variance is requested because the applicable regulations and restrictions in the Zoning Code of the n of Aurora have caused unnecessary hardship as demonstrated by the following:
1)	I cannot realize a reasonable return on my property for each and every permitted use allowed in the current zoning classification as demonstrated by the accompanying financial evidence (provide financial evidence to support your argument). Financial Evidence Provided Yes No (financial evidence is required per NYS Town Law)
2)	Describe why your alleged hardship relating to the subject property is unique and does not apply to other properties in the zoning district or neighborhood:
3)	Describe why you believe that the essential character of the neighborhood/community will not change if the Zoning Board of Appeals grants you a use variance:
4)	Is your need for a use variance a result of you own actions (is your difficulty self-created)? Please ain:
•	Is your need for a use variance a result of you own actions (is your difficulty self-created)? Please ain:

Town of Aurora 300 Gleed Avenue East Aurora, NY 14052 www.townofaurora.com

Zoning Board of Appeals Application Owner Authorization

The undersigned, who is the own	ner of the premises know as:
(address)	, identified as Tax Map (SBL)#
	to bring an application for ()area variance
	ariance () interpretation before the Town of Aurora Zoning Board of
Appeals for review and potential	approval. The undersigned further permits the Town or its authorized
representative(s) access to the p	property to review existing site conditions during the review process.
Owner (print)	Date
Owner (signature)	
STATE OF NEW YORK) SS	
COUNTY OF ERIE)	
On this day of	, 20, before me, the undersigned, a notary public in and for said state,
personally appeared	, personally known to me on the basis of
	individual(s) whose name(s) is (are) subscribed to the within instrument and
	e/they executed the same in his/her/their capacity(ies), and that by his/her/their
	the individual(s), or the person upon behalf of which the individual(s) acted,
executed the instrument.	
Notary Public	

March 13, 2023
Town of Aurora Zoning Board of Appeals
Aurora Town Hall
575 Oakwood Ave.

East Aurora, NY 14052

Hello,

We are Molly and Eric Schnirel. We live at 1030 Porterville Road with our two-year-old son, Aaron, and our nine-monthold daughter, Sawyer. In November of 2022, we purchased the property adjacent to ours, 960A Porterville. Both of these properties are accessed through our private drive off of Porterville, and are set back in the woods in a beautiful and peaceful retreat-like location. After our neighbor, the previous owner of the property at 960A, passed away, we were saddened and we had hoped for kind neighbors to move into the beautiful cabin next door. However, the house stayed on the market for many months and the property went into pre-foreclosure. Preserving the peace, quiet, and safety of our set-back woodland residences is something that mattered greatly to both our family and to the neighbors who live on the other side of the property of 960A. With that in mind, and with the unknown future of 960A entering preforeclosure, we decided that preserving the privacy of the area around our home was a priority, as we spend a greatdeal of time outside with our children, all year round. With the wonderful encouragement of our neighbors and the ability to keep the adjacent property out of foreclosure, we purchased 960A Porterville as a way to save the cabin and its rich history, as well as the beautiful land that it rests on. Our intention in purchasing this property was to have a place for families to enjoy and to be able to stay together under one roof. We know many families in East Aurora who have found it difficult to find a place for their family members to stay when they come to town, often resulting in families needing to stay in surrounding areas or in multiple hotel rooms. Because of the uniqueness of this property and how it is directly connected to ours, it is our hope to be able to do this by operating a Bed and Breakfast out of the cabin, while we support our guests from our home with our children, just next door. It is important to note that the two properties are next door to each other and they are connected. It is a mere 125 feet from one place to the other (please see attached photo with google maps indicating exact distance between the two homes via the private drive). We also have a direct path from our yard, connecting to the driveway at 960A.

Because we have such young children, and because it is our hope to maintain a quiet and peaceful living environment, we would ensure that no one under the age of thirty be allowed to book a stay, ages of guests would be queried upon booking, and guests would have to indicate their reason for stay before booking, as we have no intention of disrupting our current family environment. We would be committed to staying not only in-town, but also on-site at our residence, any time a guest is staying next door. We would also greet each guest and ensure that we are readily available and open for communication throughout their entire stay. Private parking will not be an issue, as the driveway at 960A has multiple designated areas for parking. All of the driveway at 960A can be seen from our living room window, ensuring that we can clearly see who is coming and going. We ask that you please consider this letter of intent with the understanding that we are proud to live in East Aurora and we would love to be a part of bringing families together while preserving the privacy and safety of our town.

Eric Schnirel

Molly Duggan Schnire

SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, N.Y. AND REPLY TO MUNICIPALITY

Submit this form with full statement of proposed action (as described in GML 239m(c)) at www.Erie.gov/IRonline, OR mail a hard copy (retain a copy for your files) to: Erie County Division of Planning, 95 Franklin Street, Room 1053, Buffalo, N.Y.

DO NOT WRITE IN	THIS SPACE
Case No.:_	
k/Delivery Date:	

14202		5) 9 0 1 1 Million Strong 1100.		<i>z</i> ,	Postn	ark/Deli	very Date:
		Map is available to help d	leterm	_	plicable		d Municipal Law §239 1 - nn s subject to referral.
1. Name of Municipality:	То	wn of Aurora	1011	roposou rionor	•		
However, any county	If the reply re	les that the county shall have 30 one county fails to reply within succived after 30 days but 2 or moring body shall file a report of its	ch perio	od, the referring body no prior to final action by	nay take 1 the referr	inal action. ing body sh	nall be subject to \$239-m(5)
2. Hearing Schedule:	D	ate 4/20/2023	т	ime 7:00pm	Loca	tion 575	Oakwood Ave, E. Aurora
3. Action is before:		Legislative Body	 _	Board of Appea	als		Planning Board
4. Action consists of:		New Ordinance		Rezone/Map C	hange		Ordinance Amendment
☐ Site Plan	v	Variance		Special Use Pe	ermit		Other:
5. Location of Property:		Entire Municipality	V	Address: 960	DA Aurora Porterville Rd (aka rterville Rd)		terville Rd (aka
5a. S.B.L. of Property:	168	5.00-1-13.1	_		——	- Ku)	
6. Referral required as site is within 500' of:		State or County Property/Institution	Ø	Municipal Boun	idary		Operation located in an cultural District
□ Expressway	V	County Road		State Highway	 □ Proposed State or County Road, Property, Building/Institution, Drainageway 		
7. Proposed change or us (specify the action, such as scope of variances or site p	the	Proposed bed & b	reak	fast without o	wner d	occupa	ncy not allowed by Town
8. Other remarks: This	is al	so an Open Deve	elop	ment lot hav	ving r	no fror	ntage on platted road
9. Submitted by: Martha	a Lib	rock,Town Clerk		Email: towncl	lerk@	town	ofaurora.com
10. Return Address: 575	Oa	kwood Ave., E. A	uro	ra, NY 1405	2	-	
	Re	ply to Municipality by	y Erie	County Divisi	ion of	Plannin	g
Receipt of the above-deso submits its review and re submitted with this referr	ply u	d proposed action is a nder the provisions of	cknov appli	wledged on icable state and	local	T law, bas	The Division herewith sed on the information
1. The proposed a	ction	is not subject to revie	w un	der the law.			
2. Comment on pr	opos	ed action is attached h	ereto).			
3. The proposed a	ction	is subject to review; R	Recor	nmendation on	Propo	sed Act	ion is attached hereto.
4. No Recommend	lation	; proposed action has	beer	reviewed and	detern	ined to	be of local concern.
By the Division of Plannir	ng: _						Date:

SUPERVISOR James J. Bach (716) 652-7590 jbach@townofaurora.com



TOWN CLERK Martha L. Librock (716) 652-3280 townclerk@townofaurora.com

TOWN OF AURORA

Aurora Municipal Center

575 Oakwood Avenue, East Aurora, NY 14052 www.townofaurora.com

TOWN COUNCIL MEMBERS

March 13, 2023

Charles D. Snyder csnyder@townofaurora.com

Eric Schnirel & Molly Duggan Schnirel 1030 Porterville Rd East Aurora, NY 14052

Luke Wochensky lwochensky@townofaurora.com

Eric and Molly:

James F. Granville igranville@townofaurora.com

Joseph M. McCann jmccann@townofaurora.com

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

CODE ENFORCEMENT

OFFICER Elizabeth Cassidy (716) 652-7591

building@townofaurora.com

ASSESSOR Roger P. Pigeon assessor@townofaurora.com (716) 652-0011

> DIR, OF RECREATION Christopher Musshafen (716) 652-8866 chris@townofaurora.com

> > TOWN ATTORNEY Brigid M. Maloney

TOWN JUSTICE Jeffrey P. Markello Anthony DiFilippo IV

HISTORIAN Robert L. Goller (716) 652-7944 historian@townofaurora.com

FAX: (716) 652-3507

The Building Department has reviewed your request to operate a non-owner occupied B&B at your property at 960A Porterville Rd (mailing address) SBL: 165.00-1-13.1. The request has been denied because it fails to meet the requirements for B&Bs in the Residence-1 zoning district in which it is located. The definition of B&B is an owneroccupied one-family dwelling within which is provided overnight accommodations for transient paying guests, and which may include the serving of breakfast, and possibly other meals, to such guests.

Section 116-8.1A(8)

Required: Owner-occupied B&B as defined by NYS Building Code

Requested: Non-owner occupied B&B Variance: Non-owner occupied B&B

This letter serves as notice that we have received the application and fee for the Zoning Board of Appeals. You will receive notification from the Town Clerk with the date and time of the next available hearing. If you have any questions, please contact our office at 652-7591.

Sincerely,

Elizabeth Cassidy

Code Enforcement Officer

This institution is an equal

opportunity provider and employer.

Short Environmental Assessment Form Part 1 - Project Information

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information USE OF A NON-OWNER OCCUPIED BED AND BREAKFAST: OWNERS ON PROPER	TY ADJAC	CENT		
Name of Action or Project; 960A PORTERVILLE CABIN			, , , , , , , , , , , , , , , , , , , ,	
Project Location (describe, and attach a location map): 960A PORTERVILLE RD, EAST AURORA, NY 14052				
Brief Description of Proposed Action: APPLICATION ATTACHED FOR PERMIT FOR BED AND BREAKFAST PERMIT FOR S	960A POR	ITERVILLE RD, EAST A	URORA N	NY 14052
Name of Applicant or Sponsor: ERIC & MOLLY SCHNIRL	Telepho E-Mail:	***		
Address: 1030 PORTERVILLE RD		 .		
City/PO: State: Zip EAST AURORA NY 1409				
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.				
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: PERMIT FROM THE TOWN OF AURORA				YES V
3.a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	6.0	8 acres 8 acres 8 acres		
4. Check all land uses that occur on, adjoining and near the proposed action Urban	nercial	Residential (suburl		

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?			V
b. Consistent with the adopted comprehensive plan?			7
6. Is the proposed action consistent with the predominant character of the existing built or natural		NO	YES
landscape?	<u>-</u>		~
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental At If Yes, identify:	rea?	NO	YES
T 105, MOILITY.		~	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES
		V	
b. Are public transportation service(s) available at or near the site of the proposed action?		~	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed ac	tion?	V	
9. Does the proposed action meet or exceed the state energy code requirements?		NO	YES
If the proposed action will exceed requirements, describe design features and technologies:		V	
10. Will the proposed action connect to an existing public/private water supply?		NO	YES
If No, describe method for providing potable water:			V
11. Will the proposed action connect to existing wastewater utilities?		NO	YES
If No, describe method for providing wastewater treatment:			
SEPTIC TANK			
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic		NO	YES
Places? b. Is the proposed action located in an archeological sensitive area?		~	
b. is the proposed action located in an archeological sensitive area?		V	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, conta wetlands or other waterbodies regulated by a federal, state or local agency?	iin	NO	YES
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:		<u></u>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check Shoreline Forest Agricultural/grasslands Early mid-success		apply:	<u> </u>
☐ Wetland ☐ Urban ☑ Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed		NO	YES
by the State or Federal government as threatened or endangered?		V	
16. Is the project site located in the 100 year flood plain?		NO	YE
		V	
17. Will the proposed action create storm water discharge, either from point or non-point sources?		NO	YE
If Yes, a. Will storm water discharges flow to adjacent properties?			
b. Will storm water discharges be directed to established conveyance systems (runoff and storm dra	ing\9		ļ
If Yes, briefly describe: NO YES	.யூ.		

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
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe:	V	
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
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE KNOWLEDGE	BEST C	F MY
Applicant/sponsor name: ERIC SCHNIREL. Date: 3/10/2028 Signature:		

March 7, 2023

Town of Aurora Zoning Board of Appeals

Aurora Town Hall

575 Oakwood Avenue

East Aurora, NY 14052

Dear Zoning Board Members,

We are writing this letter in support of our neighbors Eric and Molly Schnirel's request for a variance for 960A Porterville Road, East Aurora, NY 14052. We live at 1000 Porterville Road, East Aurora, NY. As a direct abutter to the said property, we would like to state our support in granting Eric and Molly Schnirel approval to use their property at 960A Porterville as both a short term rental and long term rental property. Eric and Molly live at 1030 Porterville Road, East Aurora, NY 14052 abutting the other side of 960A Porterville. They have been wonderful, responsible neighbors and we support this endeavor and enhancement to 960A Porterville Road. We do not feel the character of the neighborhood would be compromised as we all own wooded acreage for continued privacy. We believe Eric and Molly would be great landlords!

Sincerely,

Joseph A. Gagliardo

Joseph A. Gagliando

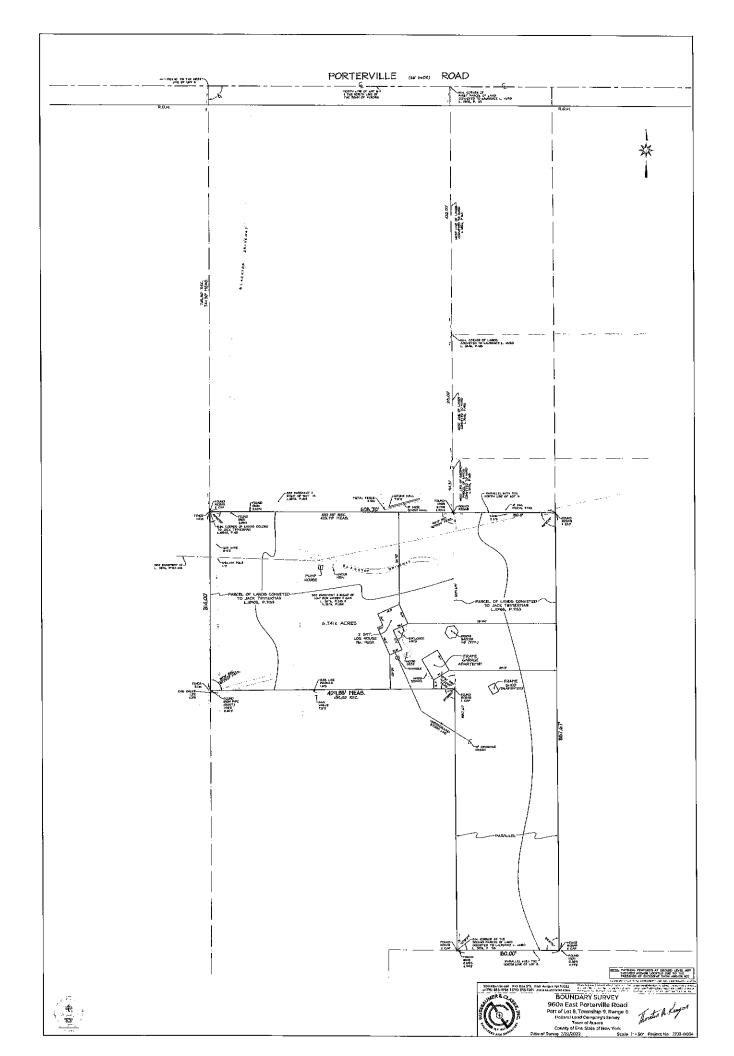
Donna L. Gagliardo

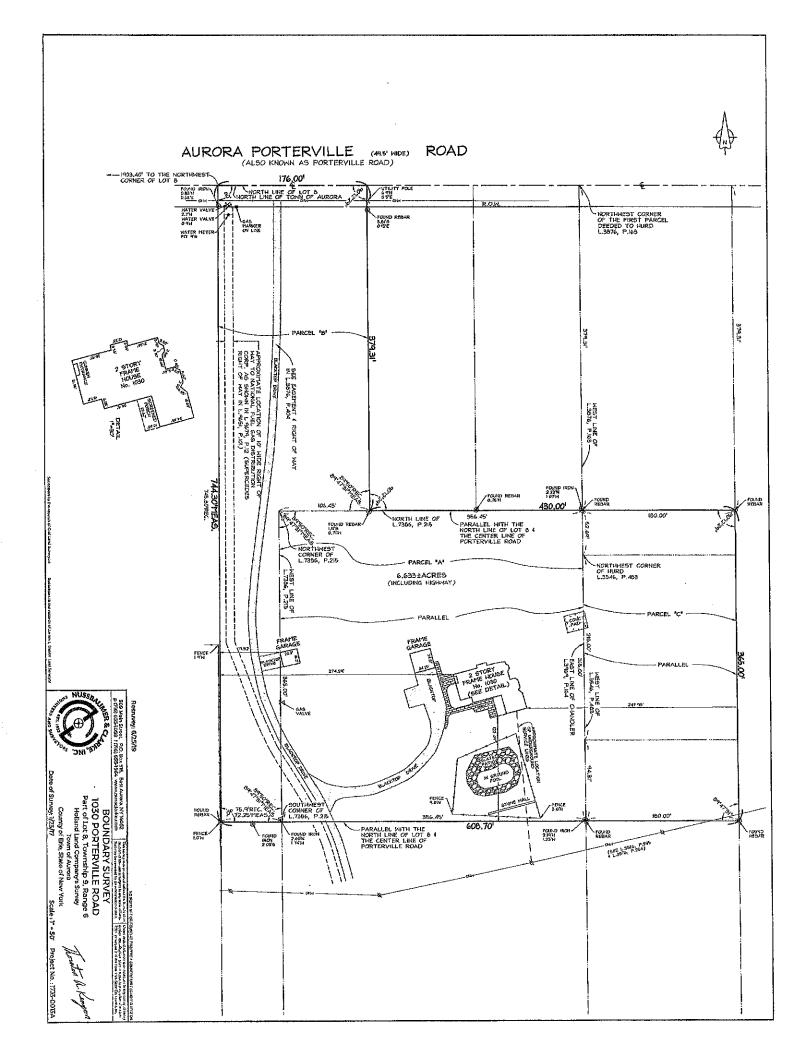
Donna L. Hagliardo

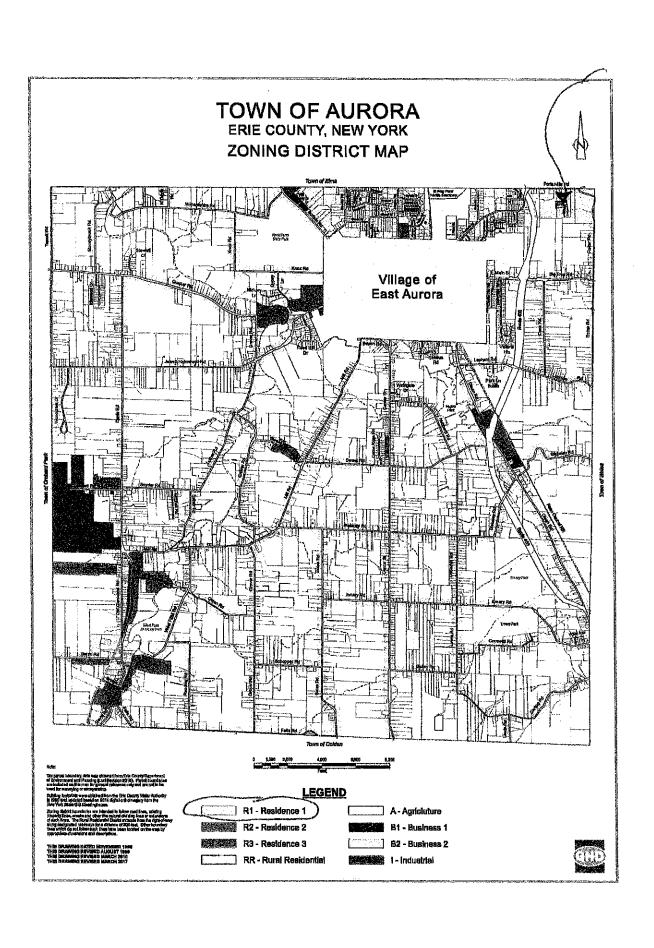
Joseph and Donna Gagliardo

1000 Porterville Road

East Aurora, NY 14052

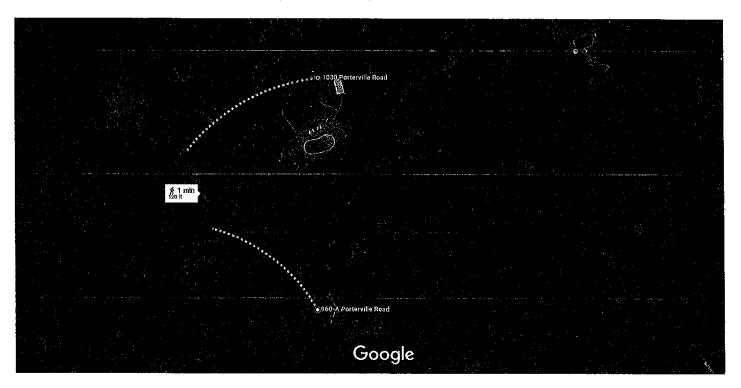






Google Maps

960-A Porterville Rd, East Aurora, NY 14052 to 1030 Porterville Rd, East Aurora, NY 14052 Walk 128 ft, 1 min



Imagery @2023 CNES / Airbus, Maxar Technologies, New York GIS, U.S. Geological Survey, USDA/FPAC/GEO, Map data @2023 50 ft

