

Village of East Aurora Zoning Board of Appeals

Thursday, April 13, 2023

Introduction of Zoning Board Members Chair

Approval of Minutes Chair
March 9, 2023

6:00 p.m.

- **123 Grey Street-Ulrich Sign Co Inc** - Section §285-44.9, Table 44.9C Wall signs
Section §285-44.6H
- **323 Main Street-Dr. Christopher Needham** - Section §285-44.9, Table 44.9A Ground Signs Note 1
- **146 The Meadow-Matthew Hall c/o Ryan McCarthy-** Section §285-30.3A (2) Fences
- **425-435 Prospect Ave-Tim Magee and Chris Contento-**
Section §285-20.3; Table 20.3 Residential District Uses Lists Note1
Section §285-40.6; Table 40.6 Off-Street Parking Space Requirements

Introductions: Chair

Notice of Appearances for Each Hearing Chair/CEO

Reading of Denial Letter CEO

Reading of Appeal Letter CEO

Other Communications CEO

Appellant Presentation

Appearance Comments

Board Deliberations Chair

Presentation of Board Findings Chair

Adjournment

Jennifer Schamberger – Chair
Bruce Mitchell – Member
Tony Hoffman – Member
Gary Kimmel-Hurt – Member
Alania Smith – Member
Susan Russell-Alternate Member

Liz Cassidy – Code Enforcement Officer (CEO)
Jessica Taneff – Secretary to the ZBA
Chris Trapp – Village Attorney

Original



VILLAGE OF EAST AURORA
VILLAGE HALL
585 OAKWOOD AVE
EAST AURORA, NY 14052
716.652.6000 FAX 716.652.1290
www.east-aurora.ny.us



Ulrich Sign Co Inc
Attn: Patrice Lesniak
177 Oakhurst St
Lockport, NY 14094

February 21, 2023

Patrice:

The Building Department has reviewed the request to install an internally lit sign for SANA Pilates and Physical Therapy location at 123 Grey St. The request has been denied because it fails to meet the code requirements for signs for the General Commercial (GC) Zoning District in which it is located.

Section 285-44.9, Table 44.9C Wall signs

Required: Maximum area of a wall sign in GC district is 12% of façade or 31.82 sq ft for this tenant space

Requested: 32.25 sq ft wall sign

Variance: .43 sq ft

Section 285-44.6H

Required: Internally illuminated signs are prohibited within the Village

Requested: Internally illuminated sign

Variance: Internally illuminated sign

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 Village Clerk with the date and time of your hearing. If you have any questions, please contact us at 652-7591.

Sincerely,


Elizabeth Cassidy
Code Enforcement Officer

VILLAGE OF EAST AURORA

571 Main St
East Aurora, NY 14052

Phone (716) 652-6000
Fax (716) 652-1290

APPLICATION TO ZONING BOARD OF APPEALS

APPLICANT NAME Ulrich Sign Co. Inc.
ADDRESS 177 Oakhurst St. Lockport, NY 14094
TELEPHONE 716-434-0167 FAX 716-434-0226

ADDRESS OF APPEAL 123 Gray Street
ZONING DISTRICT GC
ZONING CODE SECTION Table 44.9C; 285-44.6 H
285-44.9

TYPE OF APPEAL (check one)

☒ AREA VARIANCE
☐ USE VARIANCE

☐ PARKING SPACE DESIGNATION
☐ INTERPRETATION

GROUND(S) FOR VARIANCE (may continue on separate sheet)

Please see attached letter.

REQUIRED ATTACHMENTS:

1. Property survey indicating existing and proposed structures, lot lines, neighboring building within 10' of applicant's lot lines (8 copies).
2. Drawings, photos or other pertinent documents (8 copies).
3. Environmental Assessment Form (attached) (8 copies).
4. Public Hearing Fee \$125.00

ACKNOWLEDGEMENT:

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 Village of East 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.

APPELLANT SIGNATURE Patrice Lesniak DATE 2/9/23
OWNER SIGNATURE see attached letter DATE 2/9/23



February 14, 2023

Village of East Aurora
Zoning Board of Appeals
571 Main Street
East Aurora, NY 14052

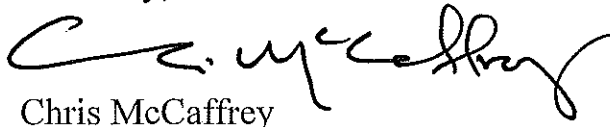
Dear Zoning Board Members,

Southtowns Pilates and Physical Therapy has contracted with Ulrich Sign Company to obtain approval to install new illuminated channel letters for the location at 123 Grey Street. We are requesting a variance to install (1) set of letters reading: "SANA" with a logo and capsule sign reading: "Physical Therapy, Pilates and Wellness" on the store front elevation. A variance is required due to the sign being internally illuminated.

The sign is important for the branding and identification of the studio. The channel letters are consistent with other retail stores in this plaza. The letters will be illuminated with low voltage, white LED lighting. The lighting will be constant and not blink or flash.

The channel letters will be professionally manufactured and installed. The letters will meet the specifications provided by Benderson Development and previously approved for other tenants. A non-illuminated sign would look unprofessional and out of place at this location. I appreciate your help in approving this sign request. Please let me know if you need any additional information.

Sincerely,



Chris McCaffrey

177 Oakhurst Street, Lockport, New York 14094

Phone 716.434.0167 • www.ulrichsigns.com

BENDERSON DEVELOPMENT

570 DELAWARE AVENUE
BUFFALO, NY 14202
716.886.0211.P 716.886.2269.F

January 17, 2023

Ulrich Signs
177 Oakhurst St.
Lockport, NY 14094
Attn: Chris McCaffrey

RE: Exterior Storefront Signage
Southtown's Pilates and Physical Therapy
Aurora Village
123 Grey St., Suite 5
East Aurora, NY 14052
Property #2127/213 Lease #76025 A/B #181266

Chris:

Landlord hereby authorizes Ulrich Signs and/or their local subcontractor to install exterior signage per the attached approval dated January 17, 2023, at the above referenced location if you adhere to all our sign specifications and local town codes.

In addition, the following contingencies must be met:

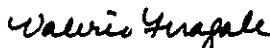
1. Individual channel letters to be raceway mounted to the canopy sign band area, and raceway painted to match canopy sign band.
2. Disconnect switch is to be located at the end of the raceway.
3. No exposed mounting hardware, brackets, bracing, or electrical conduit permitted.
4. Install as per BDC elevation drawing. Also see below note in red.
5. All wall penetrations must be filled with exterior grade, expansive caulking to create a watertight seal.
6. UL labels visible.
7. Subject to municipal approval. Tenant would be required to obtain a variance for internal illumination which is required by the municipality.

All necessary permits will be obtained by Southtown's Pilates and Physical Therapy and/or their sign company; provided that in the event any conditions or obligations are imposed upon the undersigned the authorization herein granted shall be void unless the undersigned expressly consents to each condition and/or obligation.

Signs will be maintained and operated by Southtown's Pilates and Physical Therapy.

If you should have any questions, please feel free to contact the undersigned.

Sincerely,



Valerie Fragale
Design Coordinator

cc: Leasing (via email), Property Mgmt. (via email), Sign File (hardcopy), Lease File

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			
Name of Action or Project: <i>SANA Signage</i>			
Project Location (describe, and attach a location map): <i>123 Grey St., Suite 5</i>			
Brief Description of Proposed Action: <i>Install (1) set of internally illuminated channel letters.</i>			
Name of Applicant or Sponsor: <i>Ulrich Sign Co. Inc.</i>		Telephone: <i>716-434-0167</i>	
Address: <i>177 Oakhurst Street</i>		E-Mail: <i>patrice@ulrichsigns.com</i>	
City/PO: <i>Lockport</i>		State: <i>NY</i>	Zip Code: <i>14094</i>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?		NO	YES
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.		<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?		NO	YES
If Yes, list agency(s) name and permit or approval:		<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<i>N/A</i> acres	
b. Total acreage to be physically disturbed?		<i>N/A</i> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<i>N/A</i> acres <i>Existing</i>	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	N/A <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?	NO <input type="checkbox"/>	YES <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: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input checked="" 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: _____	NO <input type="checkbox"/>	YES <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: <u>N/A</u>	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: <u>N/A</u>	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO <input checked="" type="checkbox"/>	YES <input 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 type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" 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?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES	NO <input checked="" type="checkbox"/>	YES <input 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: _____	NO <input checked="" type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>Patrice Lesniak</u> Date: <u>2/9/23</u> Signature: <u>Patrice Lesniak, office manager</u>		

SIGN SHOP DRAWING

SEE BDCI ELEVATION
DRAWING FOR PLACEMENT
AND NOTE BELOW IN RED



177 Central Street
Lodi, NJ 08854
Phone (716) 434-0167
Fax (716) 434-0226
www.ulrichsigns.com

Customer
Sana Health & Wellness

Location
123 Grey St
East Aurora

Date
12/28/22

Sales Representative
Chris

Designer
K Lechner

File Name
SANA-Health_123GreySt-EastAurora

Colors
TBD

Due to differences in mounting and packaging, colors you see may vary from final product.

Description
(1) Set of Raceway Mounted Illuminated Channel Letters & Capsule

UL listed and labeled in accordance with UL standard #486 for electric signs installed using UL listed parts and components in accordance with the National Electric Code.

THIS DESIGN PROPOSAL IS THE PROPERTY OF ULRICH SIGN CO. UNTIL APPROVED & ACCEPTED THROUGH A VARIANCE BY THE NAMED CLIENT.

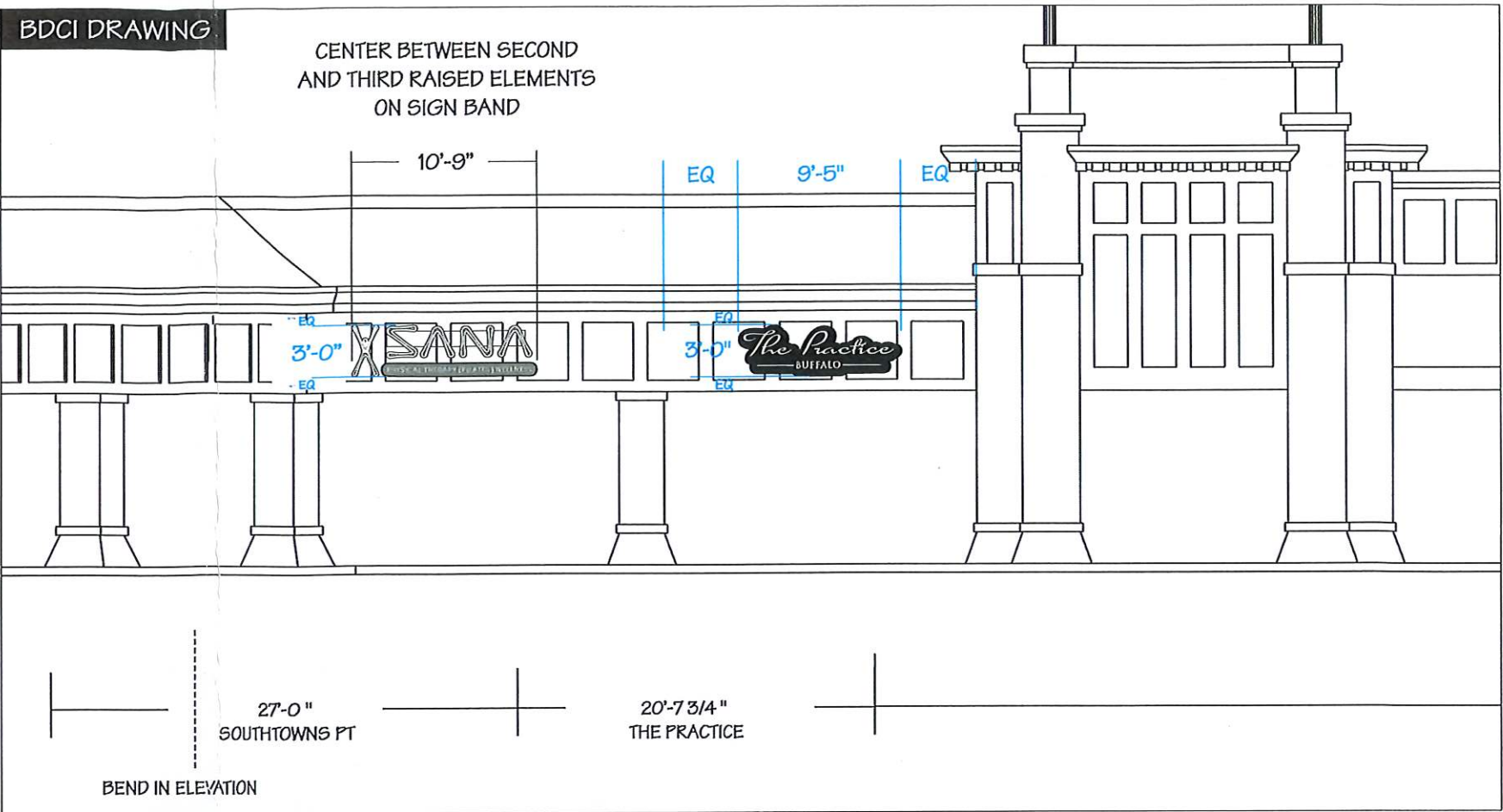
128" 25.5" 108" 9'-2" EQ 3'-0" 20'-7 3/4" THE PRACTICE 25'-3" PROPOSED SOUTH TOWN'S PILATES & PT BEND IN ELEVATION

Revised 1/13/23 - KL

Client Approval _____ DATE _____

Illuminated Channel Letters & Capsule

BDCI DRAWING



PHOTO/EXISTING



SIGN COMPANY MUST CALL BDCI REPRESENTATIVE TO SCHEDULE INSTALLATION AND FOR ACCESS TO THE PROPERTY AT 716.878.9445. UPON ARRIVAL TO THE JOB SITE, IF THE SIGN INSTALLER FINDS ANY DIFFERENCES BETWEEN BDCI DRAWINGS & THE ACTUAL PHYSICAL CHARACTERISTICS OF THE BUILDING WHICH MAY REQUIRE REPOSITIONING OF THE SIGN, THEY ARE REQUIRED TO CONTACT BDCI AT THE NUMBER LISTED ABOVE FOR AUTHORIZATION PRIOR TO INSTALLATION. IF AUTHORIZATION IS NOT OBTAINED, THE INSTALLER WILL BE RESPONSIBLE FOR THE COSTS ASSOCIATED WITH THE RELOCATION OF THE SIGN TO THE CORRECT LOCATION & THE REPAIRS & REPAINTING OF THE BUILDING FACADE.

EXTERIOR STOREFRONT SIGNAGE

- ☐ APPROVED ☒ APPROVED AS NOTED ☐ NOT APPROVED
1. INDIVIDUAL CHANNEL LETTERS TO BE RACEWAY MOUNTED AND RACEWAY PAINTED TO MATCH THE CANOPY SIGN BAND AREA.
 2. DISCONNECT SWITCH TO BE LOCATED AT THE END OF THE RACEWAY.
 3. NO EXPOSED MOUNTING HARDWARE, BRACKETS, BRACING, OR ELECTRICAL CONDUIT PERMITTED.
 4. INSTALL AS PER BDCI ELEVATION DRAWING. ALSO SEE BELOW NOTE IN RED.
 5. ALL WALL PENETRATIONS MUST BE FILLED WITH EXTERIOR GRADE, EXPANSIVE CAULKING TO CREATE A WATER TIGHT SEAL.
 6. UL LABELS VISIBLE.
 7. SUBJECT TO MUNICIPAL APPROVAL. TENANT WOULD BE REQUIRED TO OBTAIN A VARIANCE FOR INTERNAL ILLUMINATION WHICH IS REQUIRED BY THE MUNICIPALITY.

BENDERSON DEVELOPMENT	
PROPERTY AURORA VILLAGE EAST AURORA, NY	
PROP. # 2127	DRWG. # 2127 SOUTH TOWN'S PILATES
DATE 01.17.23	BY V. FRAGALE
REVISION	

Original



VILLAGE OF EAST AURORA

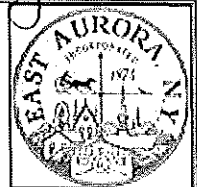
VILLAGE HALL

585 OAKWOOD AVE

EAST AURORA, NY 14052

716.652.6000 FAX 716.652.1290

www.east-aurora.ny.us



Dr. Christopher Needham
323 Main St
East Aurora, NY 14052

March 14, 2023

Dr. Needham:

The Building Department has reviewed the request to keep the current placement of the ground sign at your business at 323 Main St. The request has been denied because it fails to meet the code requirements for signs on in the Neighborhood Commercial with Mid-Main Overlay zoning district in which it is located.

Section 285-44.9, Table 44.9A Ground Signs Note 1

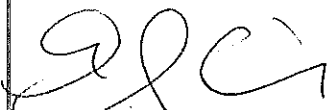
Required: Signs shall be so located so that the sign face is parallel to the street

Requested: Ground sign installed at approximately 45 degree angle to the intersection of Main and Center Streets

Variance: Ground sign installed at approximately 45 degrees to intersection.

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 Village Clerk with the date and time of your hearing. If you have any questions, please contact us at 652-7591.

Sincerely,



Elizabeth Cassidy
Code Enforcement Officer

VILLAGE OF EAST AURORA

571 Main St
East Aurora, NY 14052

Phone (716) 652-6000
Fax (716) 652-1290

APPLICATION TO ZONING BOARD OF APPEALS

APPLICANT NAME Christopher Needham 00
ADDRESS 323 Main Street East Aurora 14052
TELEPHONE 716-655-3225 FAX _____

ADDRESS OF APPEAL 323 Main Street East Aurora 14052
ZONING DISTRICT NC w/MMO
ZONING CODE SECTION _____

TYPE OF APPEAL (check one)

☒ AREA VARIANCE
☐ USE VARIANCE

☐ PARKING SPACE DESIGNATION
☐ INTERPRETATION

GROUND(S) FOR VARIANCE (may continue on separate sheet)

~~Please see attached letter.~~

Our Office sign is placed at an angle so that it is easily visible from both Main Street & Center Street. We were recently informed that it is not up to code as it should have been placed perpendicular to either Main Street or Center Street. I am petitioning for this variance in hopes that our office will be allowed to leave our sign in place as is.

REQUIRED ATTACHMENTS:

1. Property survey indicating existing and proposed structures, lot lines, neighboring building within 10' of applicant's lot lines (8 copies).
2. Drawings, photos or other pertinent documents (8 copies).
3. Environmental Assessment Form (attached) (8 copies).
4. Public Hearing Fee \$125.00

ACKNOWLEDGEMENT:

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 Village of East 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.

APPELLANT SIGNATURE Christopher Needham DATE 5/13/23
OWNER SIGNATURE _____ DATE _____

OFFICE USE ONLY

DATE RECEIVED _____	RECEIPT# _____
PUBLIC HEARING DATE _____	NOTICE TO NEWSPAPER _____
NOTICES TO NEIGHBORS _____	PACKETS TO MEMBERS _____
AFFIDAVIT OF MAILING _____	ERIE COUNTY PLANNING _____

No. 150,770
L.L. 7579

HAROLD L. GANTZER
CIVIL ENGINEERS & LAND SURVEYORS
1828 LIBERTY BLDG.
420 MAIN STREET
BUFFALO, NY 14202

Date of Survey
May 22, 2004
Signature
Harold L. Gantzer

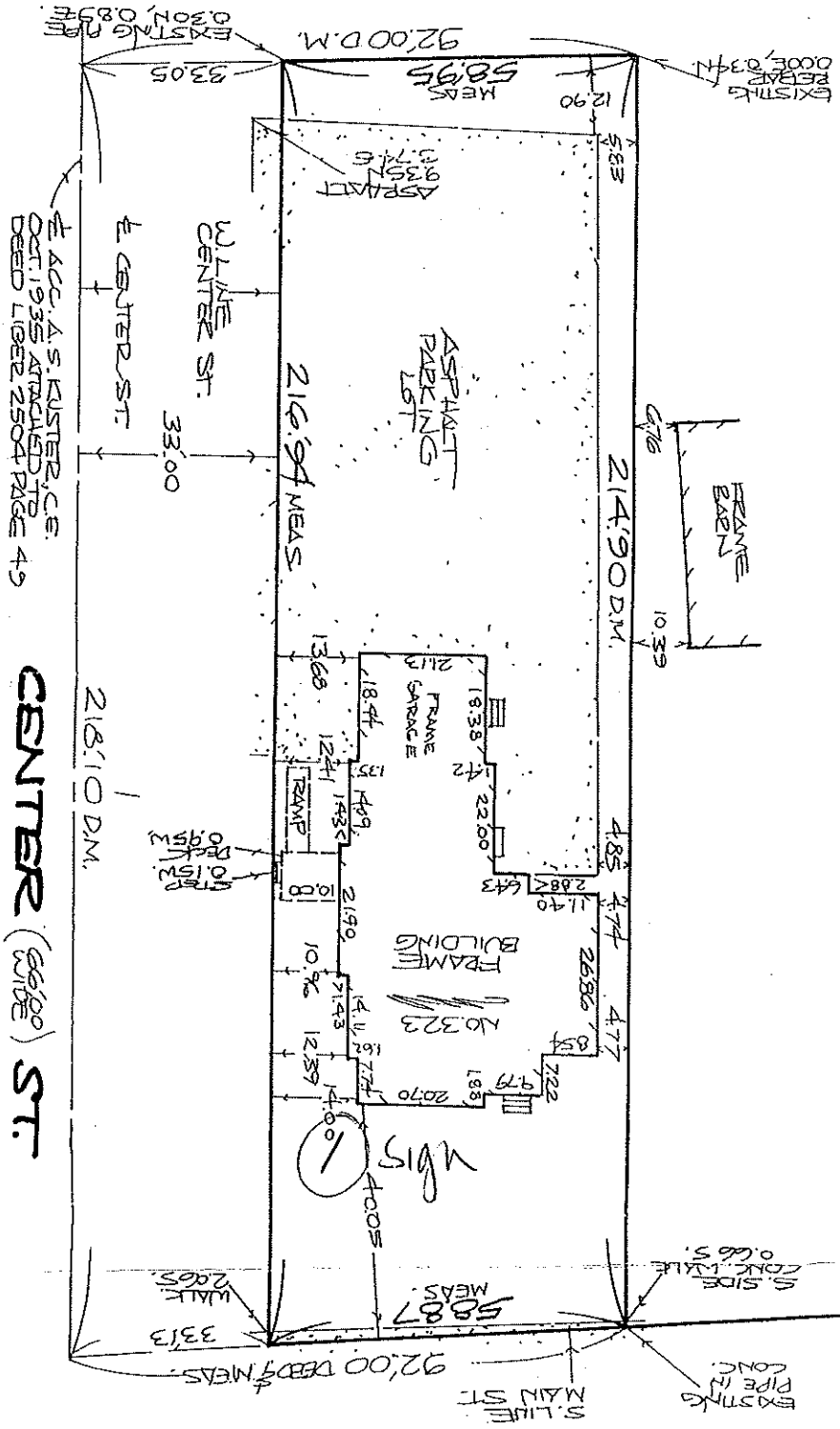
Feet	Inches
0.06	1
0.17	2
0.25	3
0.33	4
0.42	5
0.50	6
0.58	7
0.67	8
0.75	9
0.83	10
0.92	11
1.00	12

RE-SURVEY

RE-SURVEY

RE-SURVEY

SCALE: 1" = 25' ±
Scale 1" = 30'



ACC. A.S. KUSTER, C.E.
OCT. 1935 ATTACHED TO
DEED LIBER 2504 PAGE 49

CENTER (66'00") ST.

MAIN (66'00") ST.

THIS MAP WAS UNLESS EMBOSSED
WITH NEW YORK STATE LICENSED
SURVEYOR'S SEAL NO. 31745

PREMISES SITUATED IN
VILLAGE OF EAST AURORA
TOWN OF AURORA
ERIE COUNTY, NEW YORK
PART OF LOT 31 TWP 9 RGE. C
HOLLAND LAND CO. SURVEY

BEFORE ME, the undersigned authority, on this day personally appeared
HAROLD L. GANTZER, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Witness my hand on this day of May, 2004, at Buffalo, New York.

BUILDING DEPARTMENT
Town of Aurora/Village of East Aurora
575 Oakwood Avenue, East Aurora, NY
Phone (716) 652-7591

Permit # 22-023
Reissued ---
Date 2/3/22

APPLICATION FOR SIGN PERMIT

Please check applicable:

☒ Ground ☐ Wall ☐ Sandwich Board
☐ Pedestal ☐ Projecting ☐ Window
☐ Suspended ☐ Awning

of Permanent Signs 1

Is Existing Sign Legal Nonconforming? YES or NO

Location of proposed Sign(s):

Property Address 323 MAIN ST SBL# 164.20-13-10
Zoning District NC/MMW Cost of Proposed Sign \$4000.00

Property Owner Name JASON McLAUGHLIN Phone # 716 480 5425
Applicant Name SAED SHAHIE Phone # 716 240 9740
Applicant Address 1130 SHERIDAN DR 14150 Email ---

Contractor Name BUFFALO SIGNMAKERS Phone # 716 240 9740

Description of Proposed Sign: HDO POST & PANEL

Dimensions of Proposed Sign: Height 36" Length 60" Total Square Feet 15

Dimensions of Building Façade: Height 10' Length 34' Total Square Feet 240

Type of Lighting (if applicable): ☐ External ☐ Internal ☐ Wattage

(*internally lit signs are not allowed by code without a variance*)

For Window Signs:

Each Window: Height --- Length --- Total Square Feet ---

IMPORTANT

- Please include detailed drawings/information of proposed sign, showing location on building, dimensions, materials, construction/mounting details, etc.
- Signs are only allowed on private property (between sidewalk and building).
- NO Signs are allowed in The Circle.
- The work covered by this application may not be commenced before the issuance of Building Permit.

The undersigned hereby certifies that all of the information contained in this petition is correct and true.

Owner Signature

(Tenant/Applicant, Contractor or Corp/LLC must complete affidavit on back to sign as owner's agent)

Applicant Signature

Town of Village
Permit Fee \$ 60.00

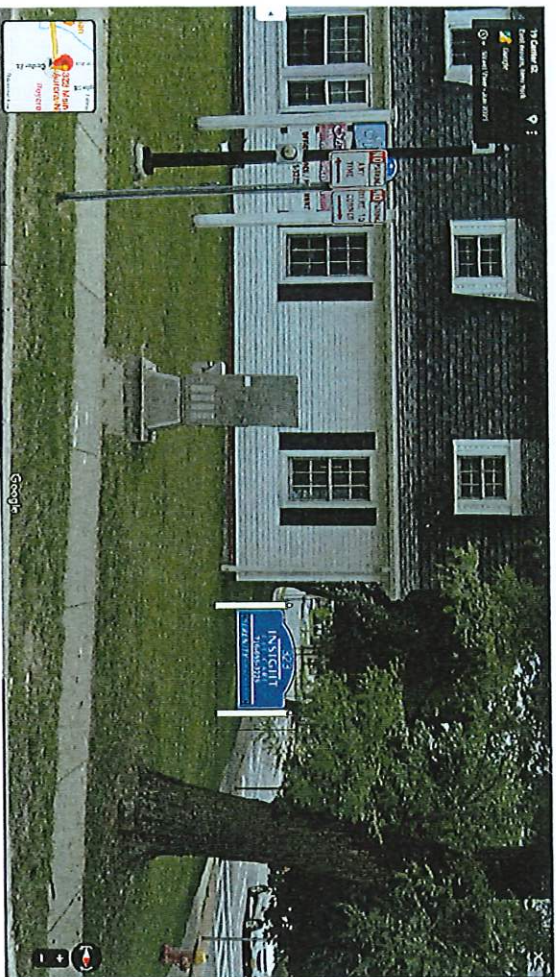
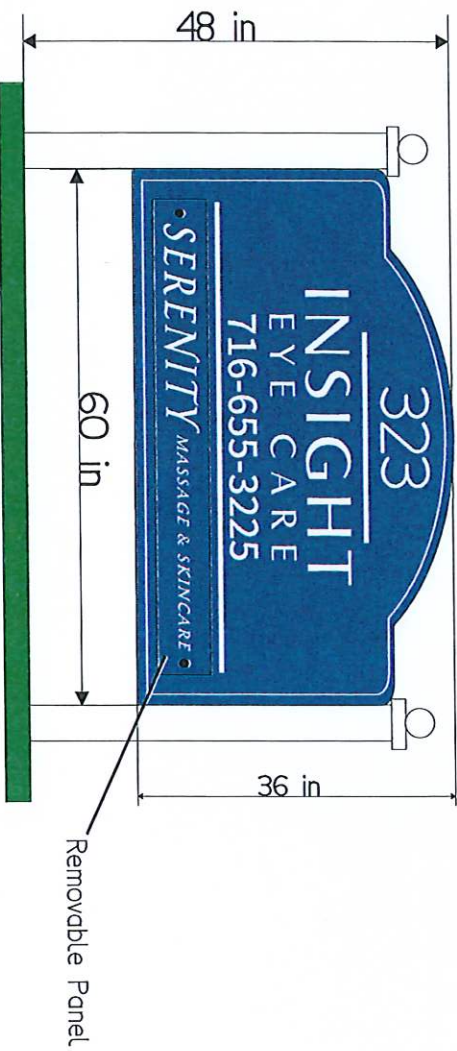
Bldg Dept
Reviewed by ---
Appr on ---

ZBA
Reason ---
Approved/Denied on ---
Case # ---

Signature of Code Enforcement Officer

Receipt is hereby acknowledged of the sum of \$ 60.00 equal to the fees schedule established by the Town Board of the Town of Aurora NY. Shepherd #6/DTC Date 2/3/22 Receipt 385613

NOTES:
 MAX HEIGHT 4'7"
 MAX S/F 16 ALLOWED
 PROPOSED 15 S/F



DESIGN PROPOSAL



1130 Sheridan Drive
 Tonawanda, NY 14150
 (716) 240-9740

CUSTOMER:
 INSIGHT EYECARE

JOB LOCATION:
 323 MAIN STREET
 EAST AURORA, NY 14052

DATE:
 01/27/22

HANSEN ID:
 5421
 DESIGNER:
 SK

DESCRIPTION:
 36"H X 60"W D/S HIGH DENSITY URETHANE
 CARVED SIGN W/ CARVED TENANT PANEL ATTACHED
 4" WHITE POSTS

*Property of Buffalo Signmakers© 2022 all rights reserved

DESIGN PROOF &
 APPROVAL FORM

☐ APPROVED: PROCEED TO PRODUCTION
 SIGNED: _____

DATE: _____ ☐ CHANGES TO ARTWORK.
 SEE NOTES AND REVISE.

Jennifer Calkins

From: design@buffalosignmakers.com
Sent: Thursday, January 27, 2022 4:47 PM
To: Jennifer Calkins
Cc: 'Saed Shafie'
Subject: 323 Main street Insight Eyecare
Attachments: Insight East Aurora Monument Sign 1-27-22.pdf

Jennifer,

Please see attached proof for the monument sign.

We will be removing the existing sign on the center street side.

There are two tenants as indicated (Insight Eye Care and Serenity)

Thanks!

Kind Regards,

Savannah

Buffalo Signmakers
1130 Sheridan Drive
Tonawanda, NY 14150
(716) 240-9740
Design@buffalosignmakers.com

Short Environmental Assessment Form

Part 1 - Project Information

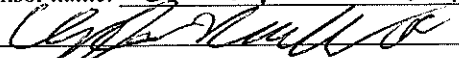
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Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. 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.

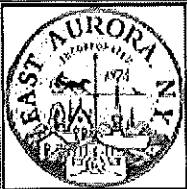
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information							
Buffalo Eye Optometry DBA Insight Eye Care							
Name of Action or Project: Leaving existing sign in its current location							
Project Location (describe, and attach a location map): 323 Main Street, East Aurora NY 14052							
Brief Description of Proposed Action: Our office sign is placed at an angle so that it is easily visible from both Main Street and Center Street. We were recently informed that it is not up to code as it should have been placed perpendicular to either Main street or Center Street. I am petitioning for this variance in hopes that our office will be allowed to leave our sign in place as is.							
Name of Applicant or Sponsor: Christopher Needham, OD		Telephone: 716-239-0542					
		E-Mail: cmneedham@yahoo.com					
Address: 323 Main Street							
City/PO: East Aurora		State: NY	Zip Code: 14052				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
3.a. Total acreage of the site of the proposed action? <u> .51 </u> acres b. Total acreage to be physically disturbed? <u> 0 </u> acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? <u> .46 </u> acres							
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland							

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	N/A <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?	NO <input type="checkbox"/>	YES <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: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <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 type="checkbox"/>	<input checked="" 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: <u>N/A</u>	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: <u>N/A</u>	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: <u>N/A</u>	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO <input checked="" type="checkbox"/>	YES <input 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: <u>N/A</u>	<input type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? <input type="checkbox"/> NO <input type="checkbox"/> YES If Yes, briefly describe: _____	NO <input checked="" type="checkbox"/>	YES <input 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: _____	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>Christopher Needham OD</u> Date: <u>3/13/23</u> Signature: <u></u>		

original



VILLAGE OF EAST AURORA

VILLAGE HALL

585 OAKWOOD AVE

EAST AURORA, NY 14052

716.652.6000 FAX 716.652.1290

www.east-aurora.ny.us



Hopkins Sorgi & McCarthy PLLC
Ryan McCarthy
726 Main St Suite B
East Aurora, NY 14052

March 6, 2023

Mr. McCarthy:

The Building Department has reviewed the request to keep the 6' fence in the secondary front yard at your clients residence at 146 The Meadow. The request has been denied because it fails to meet the code requirements for fences on a corner lot in the Single Family Residential zoning district in which it is located. Per Village Code §285-30.4 all corner lots shall comply with the front yard requirements for each street.

Section 285-30.3A(2) Fences

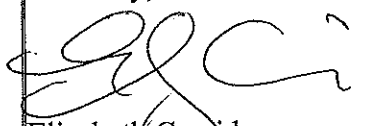
Required: Fences shall be permitted in all districts, provided the height of a fence does not exceed four feet where located to the side or in front of the main building.

Requested: 6' in front yard of corner lot

Variance: 2'

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 Village Clerk with the date and time of your hearing. If you have any questions, please contact us at 652-7591.

Sincerely,


Elizabeth Cassidy
Code Enforcement Officer

VILLAGE OF EAST AURORA

571 Main St
East Aurora, NY 14052

Phone (716) 652-6000
Fax (716) 652-1290

APPLICATION TO ZONING BOARD OF APPEALS

APPLICANT NAME Matthew and Tonya Hall
ADDRESS 146 The Meadow, East Aurora NY 14052
TELEPHONE (716) 445-9508 FAX _____

ADDRESS OF APPEAL 146 The Meadow, East Aurora NY 14052
ZONING DISTRICT Single Family Residential
ZONING CODE SECTION 285-30.3

TYPE OF APPEAL (check one)

☒ AREA VARIANCE
☐ USE VARIANCE

☐ PARKING SPACE DESIGNATION
☐ INTERPRETATION

GROUND FOR VARIANCE (may continue on separate sheet)

See attached.

REQUIRED ATTACHMENTS:

1. Property survey indicating existing and proposed structures, lot lines, neighboring building within 10' of applicant's lot lines (8 copies).
2. Drawings, photos or other pertinent documents (8 copies).
3. Environmental Assessment Form (attached) (8 copies).
4. Public Hearing Fee \$125.00

ACKNOWLEDGEMENT:

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 Village of East 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.

APPELLANT SIGNATURE  DATE 2/24/2023
OWNER SIGNATURE  DATE 2/24/2023

OFFICE USE ONLY

DATE RECEIVED 2/27/23 bldg. RECEIPT# _____
PUBLIC HEARING DATE _____ NOTICE TO NEWSPAPER _____
NOTICES TO NEIGHBORS _____ PACKETS TO MEMBERS _____
AFFIDAVIT OF MAILING _____ ERIE COUNTY PLANNING _____

AUTHORIZATION

Matthew Hall and Tonya Hall, as the record owners of real property commonly referred to as 146 The Meadow, East Aurora New York 14052, hereby authorizes Hopkins Sorgi & McCarthy PLLC (Project Attorney), to seek all required approvals and permits from the Village of East Aurora and other involved governmental agencies, included but not limited to the Village of East Aurora Zoning Board of Appeals, relative to the variance application for the above real property.

Matthew Hall
Matthew Hall

Dated: 2/24/2023

Tonya Hall
Tonya Hall

Dated: 02/24/2023



February 24, 2023

Zoning Board of Appeals
Village of East Aurora
585 Oakwood Avenue
East Aurora, NY 14052

Re: Request for Area Variance – Fences (East Aurora Village Code § 285-30.3)
Property: 146 The Meadow, East Aurora New York 14052
Owners: Matthew and Tonya Hall

Dear Zoning Board of Appeals:

Our firm represents Matthew and Tonya Hall, the owners of 146 The Meadow in the Village of East Aurora (the "Property"). The Halls have resided at the Property since 2017. A copy of their survey is attached as Exhibit A.

In recent years several concerning incidents including trespassing and other harassing activity by a certain individual living in the neighborhood have occurred on and around the Halls' home including trespassing on their property, looking in and around their vehicles on the property, and shouting, harassing and reaching over their fence into the yard and causing extreme emotional distress to the Halls in their yard. The individual has admitted to several of these offenses and police reports relating to several of the incidents are attached as Exhibit B. Recent construction of an unsecured parking lot immediately behind the Halls' yard has only exacerbated their concern.

On the recommendation of one of the responding officers and out of an abundance of caution for the special needs of the Halls' 8 year old daughter, who has autism and is a flight

HOPKINS SORGI & MCCARTHY PLLC
Attorneys at Law
726 Main Street, Suite B • East Aurora, NY 14052
Office: 716-805-7191 • Direct: 716-445-9508 • Fax: 716-427-6501
Email: rmccarthy@hsmlegal.com
www.hsmlegal.com

Request for Area Variance – Fences (East Aurora Village Code § 285-30.3)
Property: 146 The Meadow, East Aurora New York 14052
Owners: Matthew and Tonya Hall

risk, Matthew and Tonya removed several 4' fence panels along the side of their property and replaced them with 6' panels to provide additional safety and security.

The Halls subsequently received notice that their fence was out of compliance with the § 285-30.4 of the Village Code, which is intended to require side fences on corner lots to comply with front yard requirements relating to fence height. We submit this application for an area variance requesting the existing fence be allowed to remain in place. This Letter of Intent shall explain the grounds for the requested variance.

Requested Area Variances

<u>VARIANCE #</u>	<u>DESCRIPTION</u>	<u>CODE SECTION</u>	<u>REQUIRED</u>	<u>REQUESTED</u>
1	Fence Height	§ 285-30.3	4 feet (Note: applies to interior yards for corner lots only)	6 feet

Grounds for Area Variances

New York Town Law Section 267-b(3) sets forth the standards for granting area variances as follows:

3. Area variances.

(a) The zoning board of appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such local law, to grant area variances as defined herein.

(b) In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider: (1)

Request for Area Variance – Fences (East Aurora Village Code § 285-30.3)
Property: 146 The Meadow, East Aurora New York 14052
Owners: Matthew and Tonya Hall

whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

In making its determination, the Zoning Board of Appeals ("ZBA") must balance "the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant."

The benefit to the Applicant is to allow them to ensure the safety and security of their daughter in the yard in light of her special needs and the legitimate concerns raised by unsettling behaviors of Mr. Deck directed at their family.

The Applicant respectfully submits that there is no detriment to the health, safety and welfare of the neighborhood or community. The fence is substantially similar to many other 6' fences on corner lots which can be found throughout the Village, including the following several examples:

1. 90 Sycamore Street, East Aurora NY (Corner of Sycamore and Oakwood)
2. 189 Hamlin Avenue, East Aurora NY (Corner of Hamlin and North)
3. 197 Maple Street, East Aurora NY (Corner of Maple and North)
4. 234 S. Willow Street, East Aurora NY (Corner of S. Willow and Oakwood)
5. 289 Linden Avenue, East Aurora NY (Corner of Linden and Walnut)

Request for Area Variance – Fences (East Aurora Village Code § 285-30.3)
Property: 146 The Meadow, East Aurora New York 14052
Owners: Matthew and Tonya Hall

6. 415 Linden Avenue, East Aurora NY (Corner of Linden and Spring)
7. 516 North Street, East Aurora NY (Corner of Linden and Mary Jane)
8. 147 Riley Street, East Aurora NY (Corner of Riley and Girard)

Photographs of example corner lots are attached hereto as Exhibit C, demonstrating that similar corner lot fences are common throughout the Village. Further, the existing fence is attractive and well maintained, is properly set back from the sidewalk, and does not interfere with pedestrian or vehicular traffic safety. Accordingly, we respectfully submit that the variance would not result in a “detriment to the health, safety and welfare of the neighborhood or community.”

The five factors listed in § 267-b(3)(b) provide guidance as to the types of issues the ZBA can consider, but which are not dispositive, regarding area variances.

1. “[W]hether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance”: As discussed above, the existing fence is substantially similar to many other corner lot fences on corner lots throughout the Village, the existing fence is attractive and well maintained, is properly set back from the sidewalk, and does not interfere with pedestrian or vehicular traffic safety. The granting of the variance and construction of a single-family home would not create an undesirable change in the character of the neighborhood.

2. “[W]hether the benefit sought by the applicant can be achieved by some

Request for Area Variance – Fences (East Aurora Village Code § 285-30.3)
Property: 146 The Meadow, East Aurora New York 14052
Owners: Matthew and Tonya Hall

method, feasible for the applicant to pursue, other than an area variance”: There is no other method to achieve the benefit sought. As mentioned their daughter requires special safety considerations, as she is a flight risk and is able to reach over a 4’ fence. Further, the individual in question has previously reached over the 4’ fence. A 6’ fence is needed to provide the Halls’ safety and security in their backyard.

3. **“[W]hether the requested area variance is substantial”:** The variance is not substantial when considering the fenced yard is in the rear of the property, is set back from the sidewalk as required, and abuts a vacant lot and a parking lot. Similarly, the variance is not substantial as there are numerous similar fences found throughout the Village which have not caused serious issues for the neighborhood.

4. **“[W]hether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district”:** No adverse physical or environmental impacts exist from the granting of the requested variance. The new fence panels were installed as direct replacements for the prior fence panels using the same posts at the same locations, and no other changes were made to the property. The change will have no impact on noise, light, traffic, stormwater, or any other physical or environmental condition in the neighborhood. An Environmental Assessment Form is attached hereto as Exhibit D.

5. **“[W]hether the alleged difficulty was self-created”:** As discussed previously, the primary factor leading change to the fence necessitating the variance was the actions of Mr.

Request for Area Variance – Fences (East Aurora Village Code § 285-30.3)
Property: 146 The Meadow, East Aurora New York 14052
Owners: Matthew and Tonya Hall

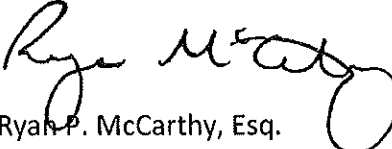
Deck which exacerbated the Halls' concerns for their daughter's special needs, and made them fear for their safety in their own backyard, so the hardship was not self-created.

The Applicants respectfully submit that the granting of the necessary variance will provide a substantial benefit to the Applicants by allowing them to keep their daughter safe in their backyard, and would not pose any "detriment to the health, safety and welfare of the neighborhood or community," and accordingly request that the variances be granted.

If further information is needed, please do not hesitate to contact me. Thank you.

Sincerely,

HOPKINS SORGI & MCCARTHY PLLC


Ryan P. McCarthy, Esq.

Enc.

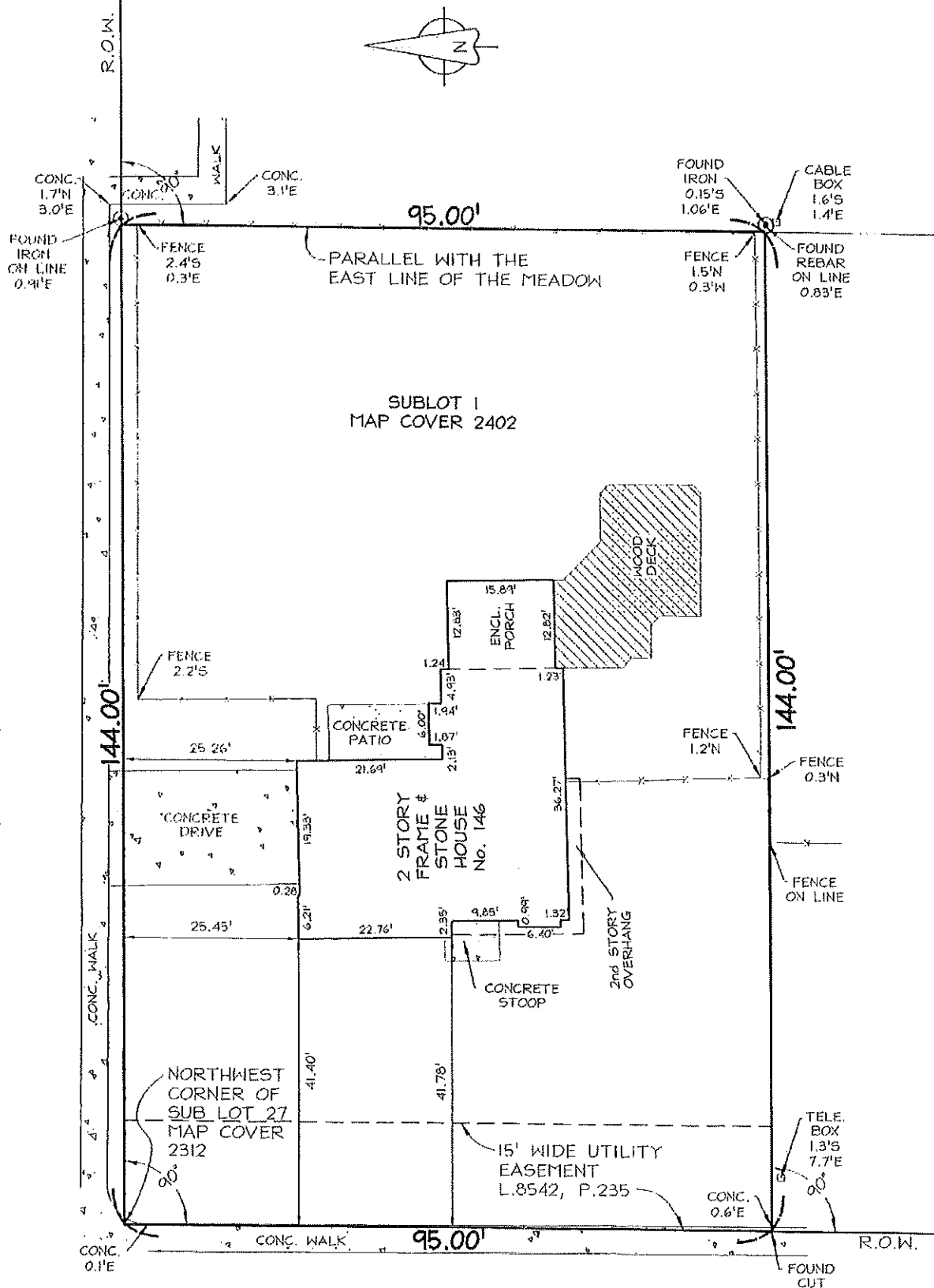
cc: Matthew and Tonya Hall

Request for Area Variance – Fences (East Aurora Village Code § 285-30.3)
Property: 146 The Meadow, East Aurora New York 14052
Owners: Matthew and Tonya Hall

EXHIBIT A

Survey

WARREN (60' WIDE) DRIVE



THE (60' WIDE) MEADOW

Request for Area Variance – Fences (East Aurora Village Code § 285-30.3)

Property: 146 The Meadow, East Aurora New York 14052

Owners: Matthew and Tonya Hall

EXHIBIT B

Police Reports



EAST AURORA POLICE DEPT
POLICE REPORT
TRESPASS

Complaint
21-023546

Report Date & Time
12/11/2021 13:16

INCIDENT

Address of Occurrence 146 THE MEADOW District NORTHEA Tract 01 Occ. Date & Time 12/11/2021 08:15 Day of Week Saturday Type of Premise Single Family Home

Status Closed Follow Up By Supl N TT Mess# TT Entry Date TT Cancell# TT Cancel Date

Officers: 50 - WALDRON

Rep. Off.: 50 - WALDRON

Assigned. Off.:

Supervisor: 38 - KRIEGER

SUBJECT - 1

Last Name DECK First Name JAMES MI F Ext Birth Date 12/08/1937 Race White Sex M Age 84 Juvenile N Arrested N Report PR

Address 12 TUNBRIDGE WK City EAST AURORA State NY Zip 14052 Home Phone (716) 655-5543 Work Phone

Height Weight Hair Eyes Build Complexion Glasses Scars/Marks/Tattoos CellPhone

COMPLAINANT - 1

Last Name HALL First Name TONYA MI Ext Birth Date 01/22/1987 Race White Sex F Age 34 Juvenile N Arrested N Report PR

Address 146 THE MEADOW DR City EAST AURORA State NY Zip 14052 Home Phone (716) 713-1805 Work Phone

Height Weight Hair Eyes Build Complexion Glasses Scars/Marks/Tattoos CellPhone

SPOUSE - 1

Last Name HALL First Name MATTHEW MI M Ext Birth Date 10/12/1977 Race White Sex M Age 44 Juvenile N Arrested N Report PR

Address 146 THE MEADOW RD City EAST AURORA State NY Zip 14052 Home Phone (716) 432-0193 Work Phone

Height Weight Hair Eyes Build Complexion Glasses Scars/Marks/Tattoos CellPhone

OFFENSES

Law	Section	CA	CL	DG	Description	Report
PL	140.05	V		0	TRESPASS	PR

NARRATIVE

POLICE REPORT Date Entered: 12/11/2021 14:04 Typist: DUSTIN WALDRON Officer: 50-WALDRON DUSTIN

On the above date and time, the above listed Complainant contacted the station to report a suspicious incident that had occurred earlier on this date. Once on scene at Complainant's residence, Complainant informed Patrol that between 08:15 hours and 08:30 hours this morning, when her husband (above listed Spouse), was leaving for work, Spouse opened the garage door to find the above listed Subject standing in their driveway looking at their vehicle's registration. Spouse told the Subject to leave the driveway and the Subject complied. Both Complainant and Spouse found this to be concerning and odd, and at this time only asked Subject to be advised to stay off of their property by Patrol instead of pursuing the above charge.

Patrol then made contact with the above listed Subject, who admitted to being in Complainant's driveway because one vehicle parked there "was an Escalade and that's not what they usually drive." Patrol advised Subject to stay off of Complainant's property and Subject stated he would not go on to Complainant's property anymore. Case closed, Complainant advised.

Officer: 50 - WALDRON

Supervisor: 38 - KRIEGER

Printed Date: 12/31/2021 10:39 AM

Page: 1

2601897

EAST AURORA POLICE DEPT
Complaint Information



Complaint# 19-906289 Date Received: 04/18/2019 Source: IN PERSON

Dispatch Code: 3472 Description: NEIGHBOR DISPUTE Call Type: POLICE

Final Dispatch Code: 3472 Description: NEIGHBOR DISPUTE

Street: 146 THE MEADOW Tract: 01 Street Code: 09525

Cross Street: Municipality: EAST AURORA

Business: Call Back:

Times: Received: 09:17:09 Dispatched: 09:17:38 Arrived: 09:17:39 Completed: 09:30:22

Officers: 34-WOLFF JACK - -

Received By: 115-ZAPOROWSKI DAVID Dispatcher: 115-ZAPOROWSKI DAVID

Report (follow up): NO Notified:

**Action Codes 1. 2.
3. 4.**

Associated Persons: CMP - DRAEGERT, TONYA M. DOB: 1/22/1987

146 THE MEADOW RD EAST AURORA

SUB - DECK, JAMES F. DOB: 12/8/1937

12 TUNBRIDGE WK EAST AURORA Phone: (716) 655-5543

04/18/19 09:17:32 115 NEIGHBOR DISPUTE - CMPL WOULD LIKE TO SPEAK WITH PATROL
04/18/19 09:30:10 115 SUBJECT CONFRONTED CMPL ABOUT HER PARKING ON TANNERY
BROOK PROPERTY. DOCUMENTATION ONLY AT THIS TIME

COPY

EAST AURORA POLICE DEPT
Complaint Information



Complaint# 19-906598 Date Received: 04/24/2019 Source: IN PERSON

Dispatch Code: 3472 Description: NEIGHBOR DISPUTE Call Type: POLICE

Final Dispatch Code: 3472 Description: NEIGHBOR DISPUTE

Street: 146 THE MEADOW Tract: 01 Street Code: 09525

Cross Street: Municipality: EAST AURORA

Business: Call Back:

Times: Received: 10:35:47 Dispatched: 10:35:47 Arrived: 10:35:48 Completed: 10:37:54

Officers: 34-WOLFF JACK - - -

Received By: 115-ZAPOROWSKI DAVID Dispatcher: 115-ZAPOROWSKI DAVID

Report (follow up): NO Notified: LIEUTENANT

**Action Codes 1. 2.
3. 4.**

Associated Persons: C/V - DRAEGERT, TONYA M. DOB: 1/22/1987

146 THE MEADOW RD EAST AURORA

SUB - DECK, JAMES F. DOB: 12/8/1937

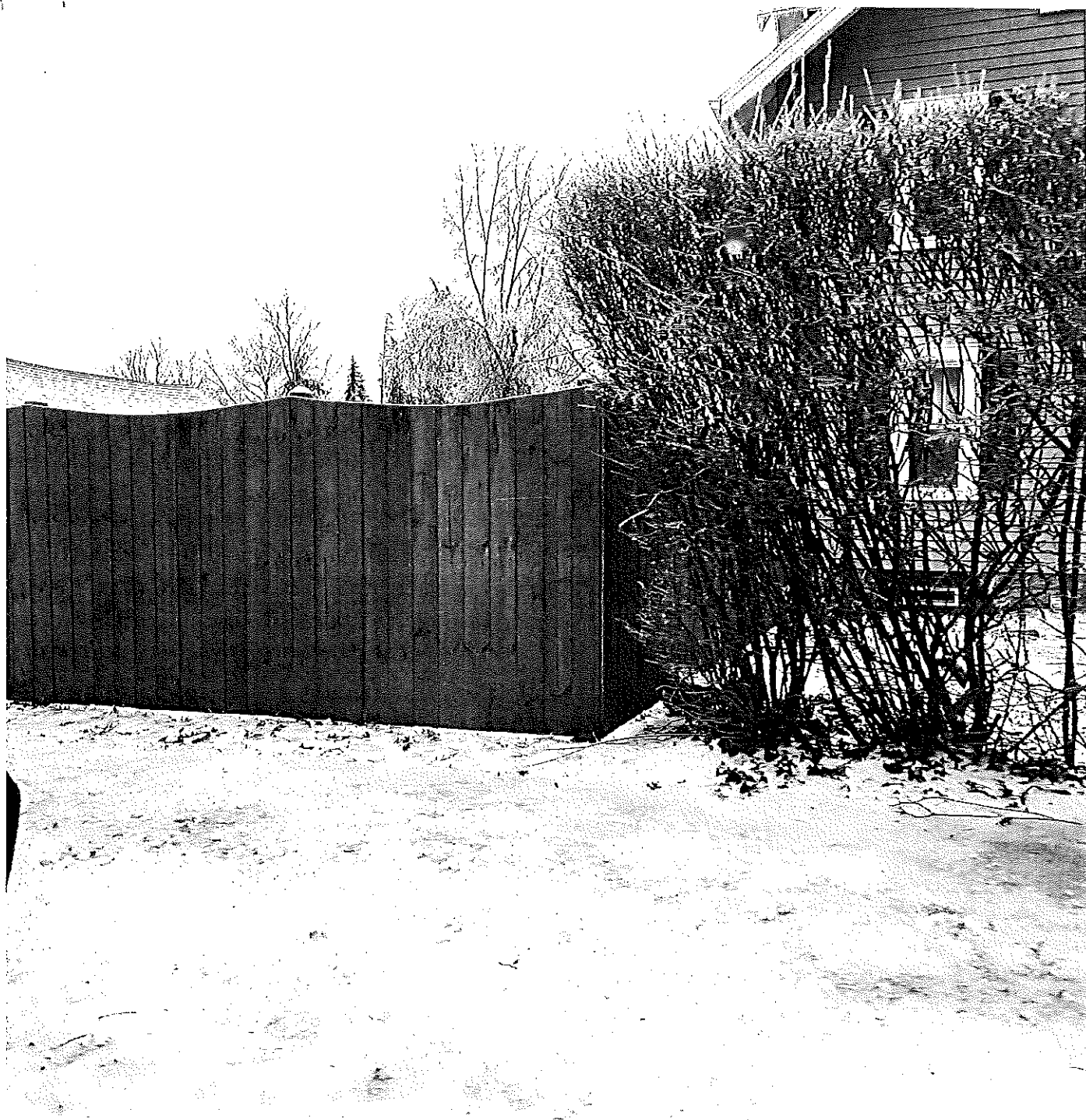
12 TUNBRIDGE WK EAST AURORA Phone: (716) 655-5543

**04/24/19 10:37:32 115 CMPL/VIC IN TO SEE PATROL REGARDING ON-GOING PROBLEM WITH
SUBJ (SEE C#19-906289) -PATROL WILL BE SPEAKING TO SUBJECT.
ALSO COMPL/VIC PARKING SIGN REMOVED.**

Request for Area Variance – Fences (East Aurora Village Code § 285-30.3)
Property: 146 The Meadow, East Aurora New York 14052
Owners: Matthew and Tonya Hall

EXHIBIT C

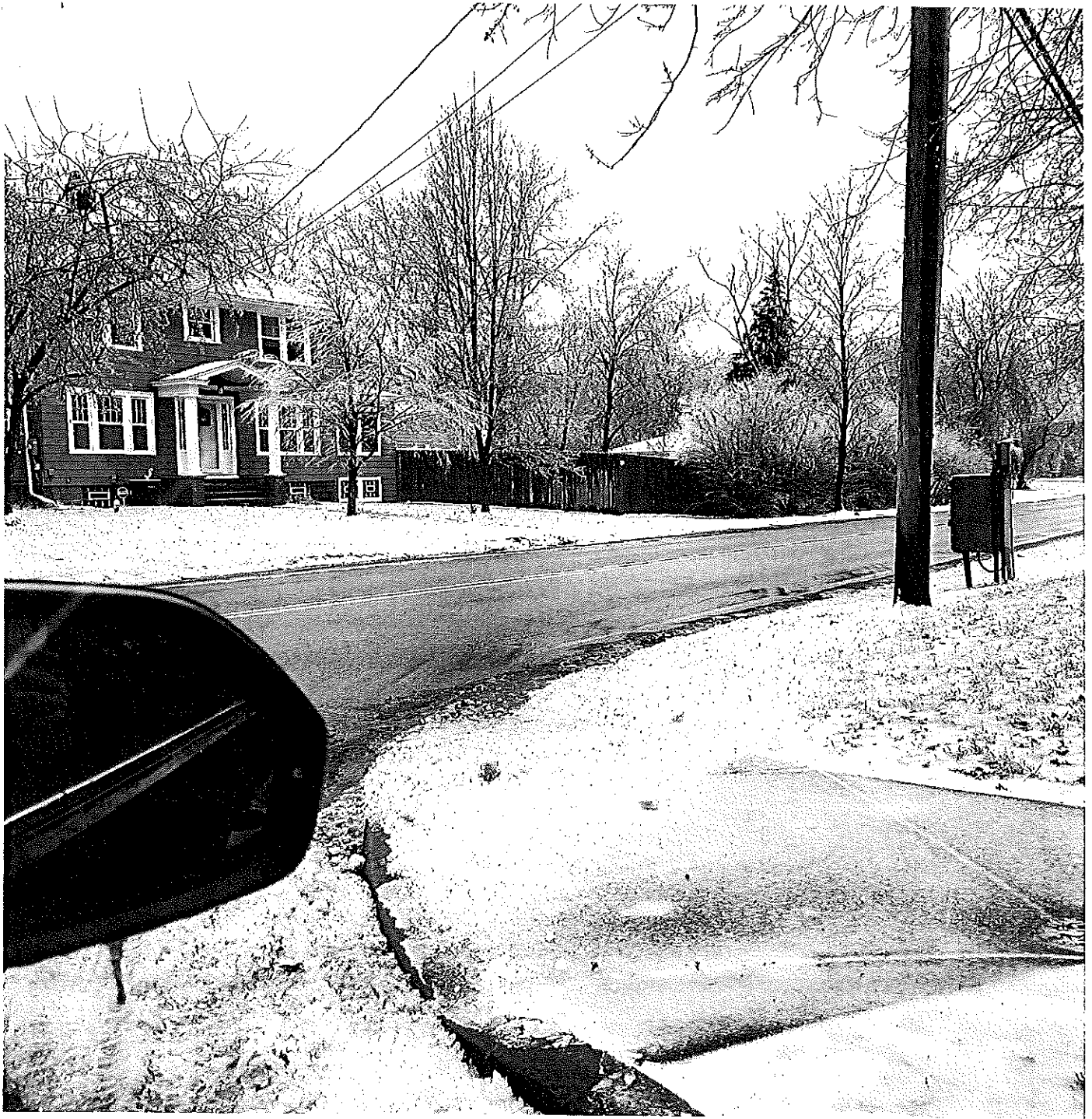
Fence Photographs

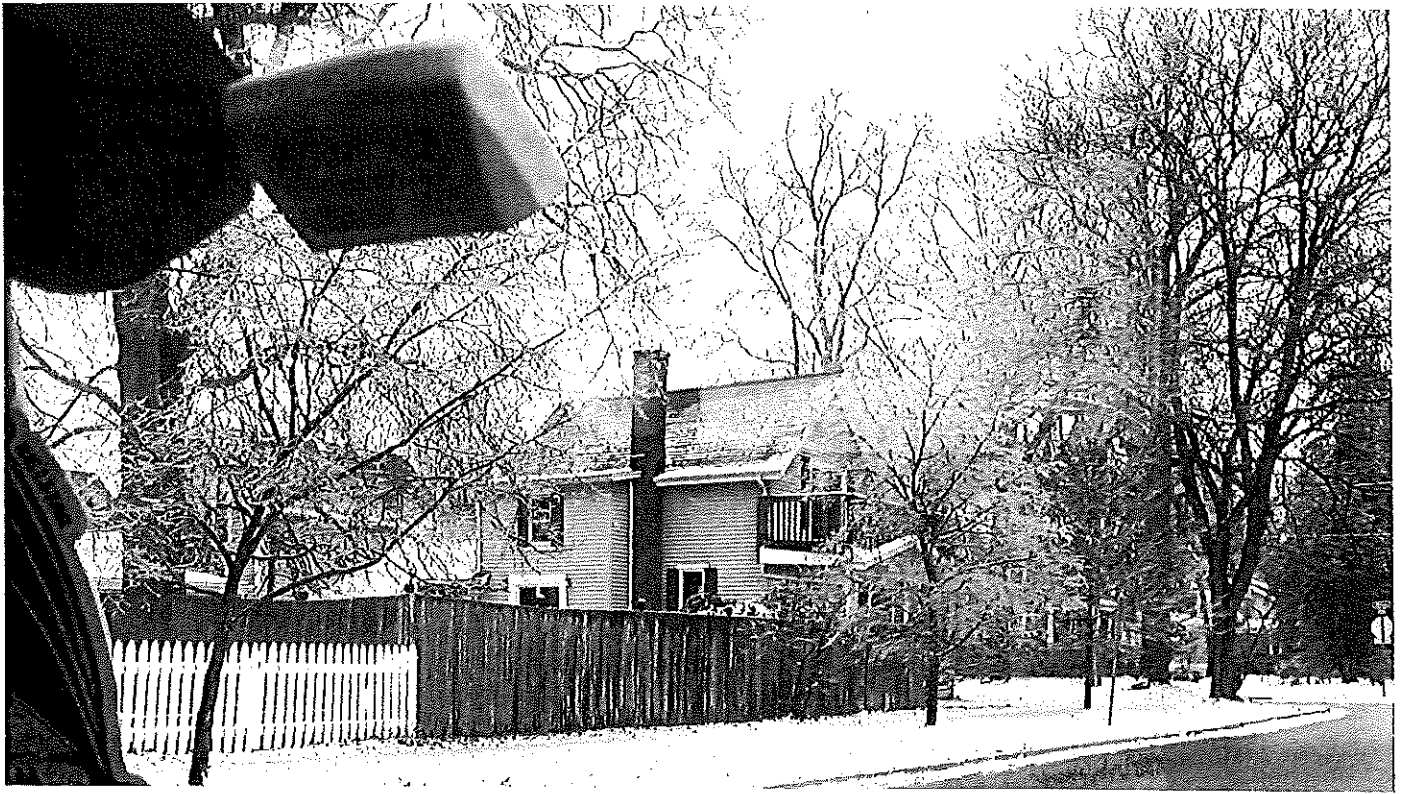


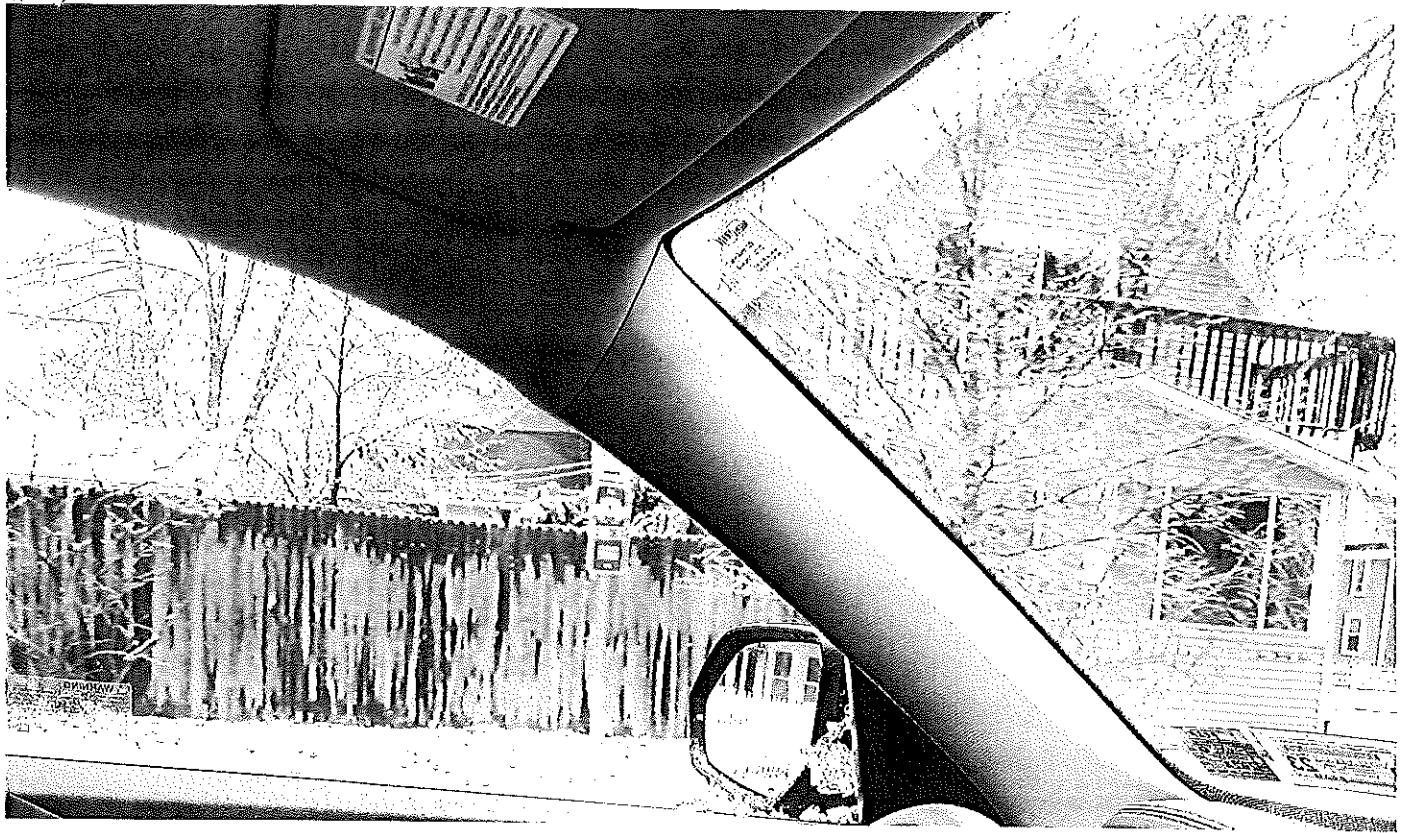




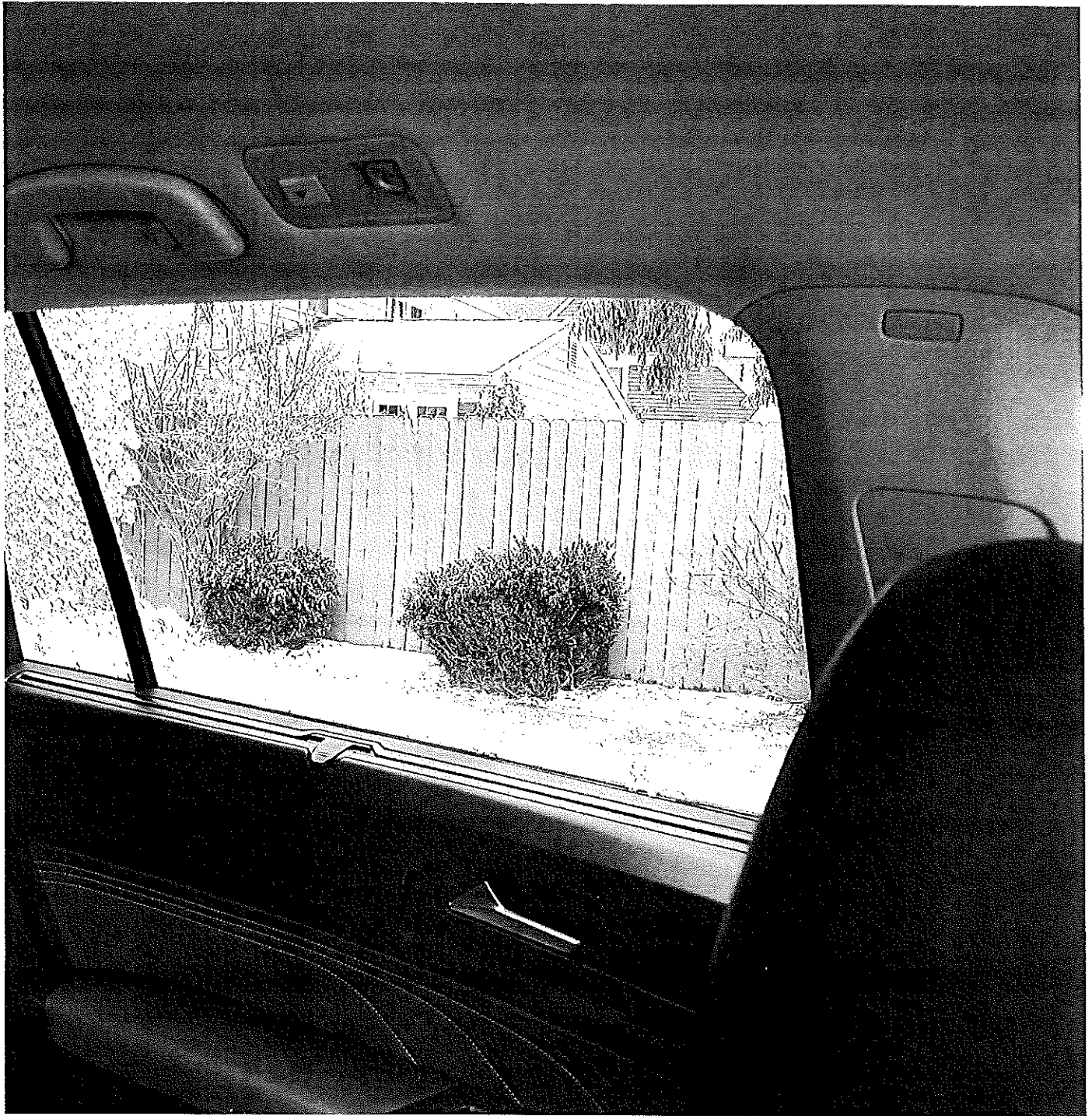


















Request for Area Variance – Fences (East Aurora Village Code § 285-30.3)
Property: 146 The Meadow, East Aurora New York 14052
Owners: Matthew and Tonya Hall

Exhibit D

Environmental Assessment Form

Short Environmental Assessment Form

Part 1 - Project Information

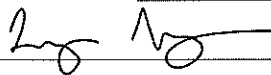
Instructions for Completing

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							
Name of Action or Project: Hall Variance Application							
Project Location (describe, and attach a location map): 146 The Meadow, East Aurora NY 14052							
Brief Description of Proposed Action: Applicants are requesting an area variance from the East Aurora Village Code for side yard fence height.							
Name of Applicant or Sponsor: Hopkins Sorgi & McCarthy PLLC		Telephone: 716-445-9508 E-Mail: rmccarthy@hsmlegal.com					
Address: 726 Main Street, Suite B							
City/PO: East Aurora		State: NY	Zip Code: 14052				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
3. a. Total acreage of the site of the proposed action? 0.33 acres b. Total acreage to be physically disturbed? 0 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 0.33 acres							
4. Check all land uses that occur on, are adjoining or near the proposed action: <div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"> <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) </div> <div style="width: 50%;"> <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) </div> <div style="width: 50%;"> <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture </div> <div style="width: 50%;"> <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): </div> <div style="width: 50%;"> <input type="checkbox"/> Parkland </div> </div>							

5. Is the proposed action,	NO	YES	N/A
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?	NO	YES	
	<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?	NO	YES	
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?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the 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?	NO	YES	
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?	NO	YES	
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?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<hr/> <hr/>		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<hr/>		
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"/>
<hr/>		
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"/>
<hr/>		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Matthew and Tonya Hall</u> Date: <u>2/24/2023</u>		
Signature: <u></u> Title: <u>Attorney for Applicant</u>		

Original



VILLAGE OF EAST AURORA
VILLAGE HALL
585 OAKWOOD AVE
EAST AURORA, NY 14052
716.652.6000 FAX 716.652.1290
www.east-aurora.ny.us



March 16, 2023

425 Prospect LLC
Attn: Tim Magee and Chris Contento
438 Main St 10th Fl
Buffalo, NY 14202

Tim and Chris:

The Building Department has reviewed the request convert the third floor to 4 additional residential units in the existing non-conforming multi-family dwelling located at 425-435 Prospect Ave. The request has been denied because it fails to meet the code requirements for multi-family dwellings, by conversion, in the General Residential zoning district in which it is located.

Section 285-20.3; Table 20.3 Residential District Uses Lists Note 1

Required: Conversion to a multi-family dwelling is permitted provided the number of dwelling units per multi-family dwelling does not exceed 4.

Requested: 4 additional dwelling units on the third floor of an existing, non-conforming 8-unit building
Variance: 4 units

Section 285-40.6; Table 40.6 Off-Street Parking Space Requirements

Required: Multi-family dwellings require 1.5 spaces per dwelling unit (*note the property has a separate 3-unit apartment building onsite*) for a total of 15 dwelling units which require 23 spaces

Requested: 16 spaces
Variance: 7 spaces

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 Village Clerk with the date and time of your hearing. If you have any questions, please contact us at 652-7591.

Sincerely,

Elizabeth Cassidy
Code Enforcement Officer

VILLAGE OF EAST AURORA

571 Main St
East Aurora, NY 14052

Phone (716) 652-6000
Fax (716) 652-1290

APPLICATION TO ZONING BOARD OF APPEALS

APPLICANT NAME Tim Magee and Chris Contento on behalf of 425 Prospect, LLC
ADDRESS 438 Main St. 10th Flr. Buffalo, NY 14202
TELEPHONE 716.220.7304 FAX

ADDRESS OF APPEAL 425 Prospect Avenue
ZONING DISTRICT GR
ZONING CODE SECTION 285-54.4

TYPE OF APPEAL (check one)

☒ AREA VARIANCE
☒ USE VARIANCE

☐ PARKING SPACE DESIGNATION
☐ INTERPRETATION

GROUND FOR VARIANCE (may continue on separate sheet)

Project intent is to build four single bedroom apartments in the vacant third floor space of
the building along Prospect Avenue. Variance requested is to add the additional apartments
to the existing building without increase in building SF. Please see the project narrative and
supporting documentation and sketches for additional information.

REQUIRED ATTACHMENTS:

1. Property survey indicating existing and proposed structures, lot lines, neighboring building within 10' of applicant's lot lines (8 copies).
2. Drawings, photos or other pertinent documents (8 copies).
3. Environmental Assessment Form (attached) (8 copies).
4. Public Hearing Fee \$125.00

ACKNOWLEDGEMENT:

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 Village of East 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.

APPELLANT SIGNATURE Timothy Magee DATE 3/15/2023
OWNER SIGNATURE Christopher Contento DATE 3/15/2023



Emerson Hall Project Narrative

The proposed project would convert the existing ballroom and sleeping quarters space to four (4) single bedroom, residential units on the third floor of 425 Prospect.

From information obtained in a article written by Olivia Cunningham in *WNY Heritage Magazine* in Spring of 2016, the history of Emerson Hall goes back to 1902 when land for the building was purchased by the Roycrofters. The original intent was to create a dormitory for Roycroft visitors and was completed around 1907. The building was designed as a multipurpose structure, with both residential space and areas for assembly and gathering. In 1972, the main building was converted into eight apartments, renamed the Village Brook Apartments and the third floor space was abandoned. The interior of the building has remained the same since this work was completed.

The proposed design is intended to be appropriate within the Village of East Aurora and reference back to its original appearance, as well as take into consideration design notes from the Roycroft Inn. Construction would involve removal of the mansard roof, which was built around the original exterior wall that remains behind the roof framing. The building materials will include siding to match the existing first and second floor levels, with natural wood accents on the third floor sliding door/windows, that are proposed to be added to bring in additional natural light and fresh air to the new apartments. There is currently off-street parking for twelve (12) vehicles in the lot behind the building. The site plan modifies the existing lot behind Emerson Hall to add four (4) additional parking spaces for the new apartments.

The goal of this project is to create attainable housing for people looking to become or remain part of the East Aurora community but are not able to find housing due to availability and/or increased real estate prices. We are proposing the construction of four (4) single bedroom units in lieu of larger apartments to develop the space with these target tenants in mind.

Sincerely,

425 Prospect, LLC

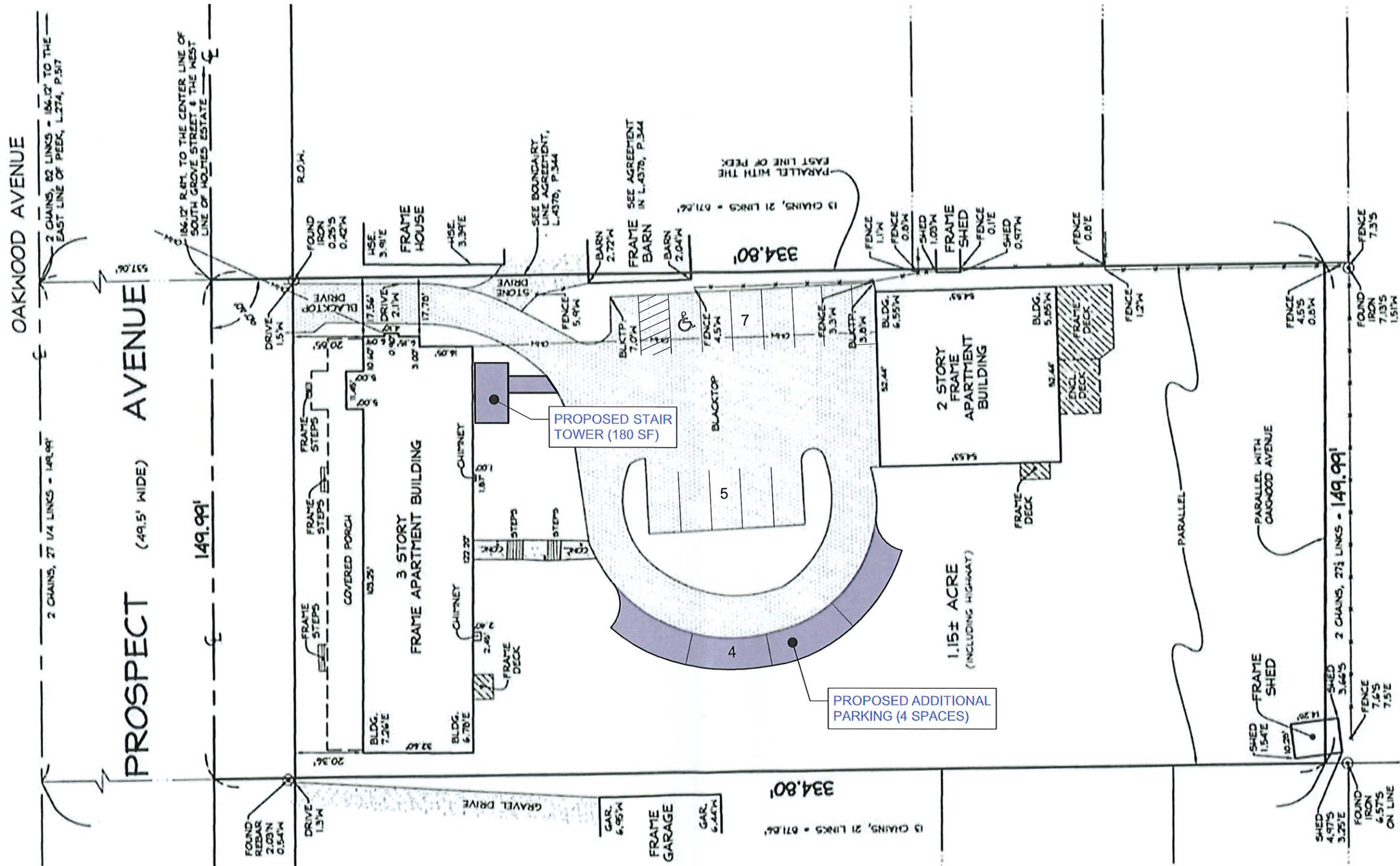
Tim Magee and Chris Contento – Managing Partners for 425 Prospect LLC



ORIGINAL

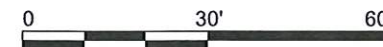


EXISTING

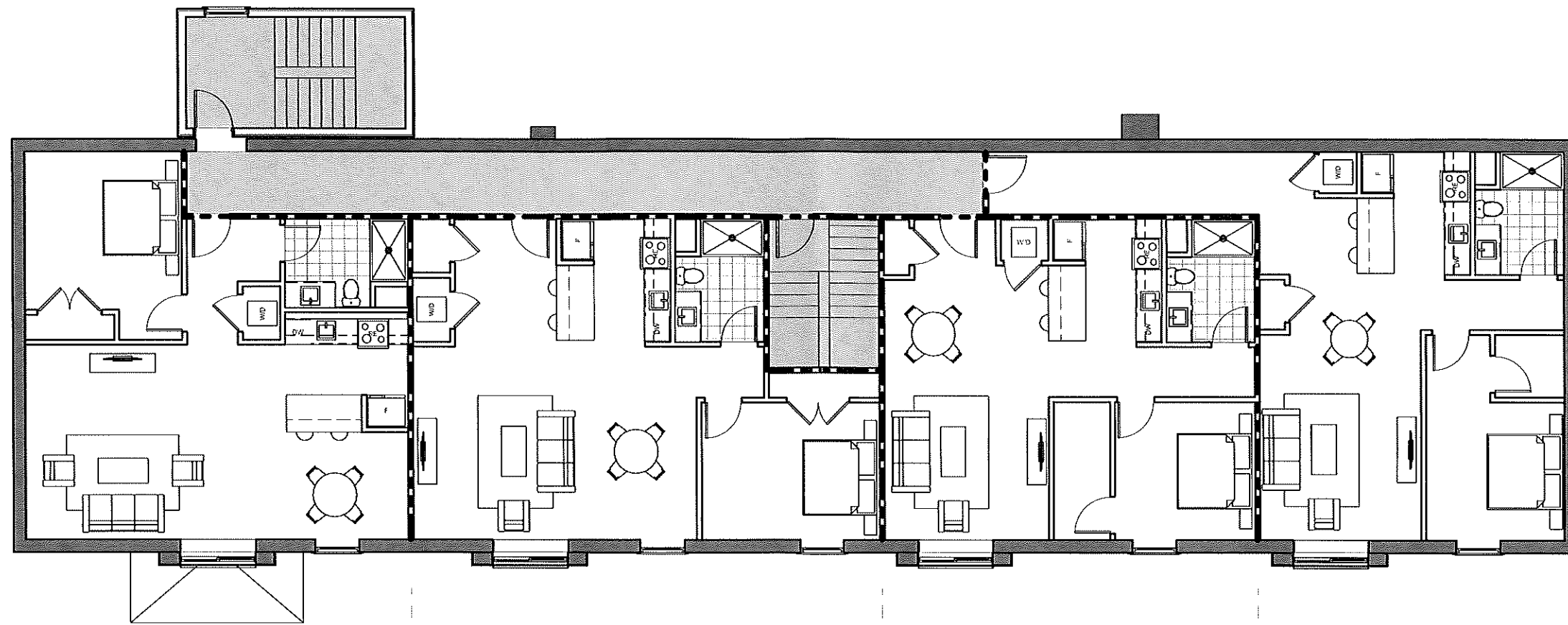


SITE PLAN

425 Prospect Avenue Apartments
East Aurora, NY 14052



ContentoCo
Schematic Design
March 2023



1BR
A: 850 sq ft

1BR
A: 956 sq ft

1BR
A: 758 sq ft

1BR
A: 861 sq ft

Third Floor Plan
425 Prospect Avenue Apartments
East Aurora, NY 14052





