

MINUTES OF A HEARING AS HELD BY THE
ZONING BOARD OF APPEALS OF THE
TOWN OF AURORA

November 19, 2025

CASE #1528 – RNH 1055 LLC/Robert Neil Hopkins Jr.
1073 Davis Road, West Falls, NY

The hearing was called to order by the Chairman Paul Ernst with the following Board members present:

Davis Heussler
Mandy Carl
Nancy Burkhardt
Brad Felton, Alternate

Absent/Excused: Rod Simeone

Others Present: Rich Miga, Asst. Code Enforcement Officer
Stephanie Morgan, Alternate

The notice of the Public Hearing was read by the Town Clerk. The notice was duly published in the East Aurora Advertiser as evidenced by the Affidavit of Publication, marked as exhibit 1. The Affidavit of Posting was marked as exhibit 2. The ZBA Application, including petitioner's letter of intent was marked as exhibit 3. The Erie County Department of Planning referral and response of no recommendation was marked exhibit 4. The Building Department letter of determination/denial was marked exhibit 5. The SEQR short form was marked exhibit 6. Aerial view of the property was marked exhibit 7. A copy of the property survey was marked exhibit 8. Building specs were marked exhibit 9. The property deed was marked exhibit 10. The List of Abutting Property Owners was marked as exhibit 11. Letters of no objection from neighbors Gish, Tills and Gerhard were marked exhibit 12 A-C.

The Chairman opened the hearing with the Pledge of Allegiance to the Flag and stated the purpose and procedure of the hearing. Following the hearing a meeting will be held to render a decision for the following variances for an addition to the existing building on an ODA/flag lot at 1073 Davis Road, West Falls, NY: lot size; lot frontage; ingress/egress width; road bump-outs; front yard setback; side yard setback; and lot width. This is Type 2 for purposes of SEQR.

Hopkins Neil Hopkins, 1073 Davis Road. I want to put an addition onto the building for storage of my RV and other things.

Ernst Just for storage?

Hopkins Yes. Just personal storage. It won't be heated, just cold storage.

Miga This is an ODA (Open Development Area) lot and is non-conforming.

Carl So the variances are triggered due to the proposed construction.

Ernst This area along Davis Road is commercial.

Heussler Will you be conducting business here?

Hopkins No. My business, Quaker Service, is at 1055 Davis, not at 1073 Davis.

Heussler This seems like a straight-forward request.

Carl It is an existing, non-conforming lot.

Burkhardt Do you intend to use it for any residential use?

Hopkins No.

Ernst Does anyone else wish to comment on Case 1528?

Snyder Chuck Snyder, 459 Snyder Road, East Aurora. I'm the previous owner of the property and I operated my construction business from this location. It is surrounded by commercial properties. I have no objection to his request.

Hearing no one else, Chairman Ernst closed the public hearing.

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Decision:

After due deliberation by the members of the Zoning Board of Appeals of the Town of Aurora, County of Erie and State of New York, the following motion was made by Paul Ernst and seconded by Davis Heussler to grant the petitioner the following variances to permit an addition to the existing building at 1073 Davis Road, West Falls, NY:

- 55 feet frontage
- 2.21 acre lot size
- 124.37 feet front yard setback
- 21.85 feet side yard setback
- 55 feet ingress/egress width
- 70.04 feet lot width
- No driveway bump-outs required

These variances are granted in accordance with the testimony and exhibits presented. This is a Type 2 action for purposes of SEQR.

Upon a vote being taken:

Ernst	Aye
Heussler	Aye
Carl	Aye
Burkhardt	Aye
Felton	Aye

Ayes- five

Nays- none

Motion carried.

EXHIBITS

CASE #1528 – RNH 1055 LLC/Robert Neil Hopkins Jr.
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- Exhibit 1 Affidavit of Publication
- Exhibit 2 Affidavit of Posting
- Exhibit 3 ZBA Application, including petitioner's letter of intent
- Exhibit 4 Erie County Department of Planning referral & response of no recommendation
- Exhibit 5 Building Department letter of determination/denial
- Exhibit 6 SEQR Short Environmental Assessment Form
- Exhibit 7 Aerial view of the property
- Exhibit 8 Property survey
- Exhibit 9 Building specs
- Exhibit 10 Property deed
- Exhibit 11 Abutting property owners
- Exhibit 12a-c Letters of no objection