



original

CASE NO. 1521
DATE OF HEARING 10/16/25

Town of Aurora Zoning Board of Appeals
575 Oakwood Avenue, East Aurora, New York 14052

Zoning Board of Appeals Application Form

I. TYPE OF REQUEST

☒ AREA VARIANCE ☒ SPECIAL USE PERMIT ☐ USE VARIANCE ☐ INTERPRETATION

II. APPLICANT/PETITIONER

Applicant's Name Kevin and Anna Grew
Address 1351 Underhill Road
City East Aurora State NY ZIP 14052
Phone _____ Fax _____ Email kanna.com
Interest _____ er/purchaser/developer) owner

III. PROPERTY OWNER INFORMATION (If different from applicant information.)

Property Owner(s) Name(s) _____
Address _____
City _____ State _____ ZIP _____
Phone _____ Fax _____ Email _____

III. PROPERTY INFORMATION

Property Address 1351 Underhill Road
SBL# 201.01-1-33
Property size in acres 1.5 Property Frontage in feet 150
Zoning District R1 Surrounding Zoning R1+RR
Current Use of Property Single Family Dwelling

IV. REQUEST DETAIL

(check all that apply)

☒ Variance from Ordinance Section(s) # 116-8.1E(4) & 116-10A(1) - STAND
☒ Special Use Permit for: Chickens
☐ Use Variance for: _____
☐ Interpretation of _____

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)

Anna K Grew
Signature of Applicant/Petitioner

Anna K Grew
Print name of Applicant/Petitioner

State of New York; County of Erie

On the 8th day of Sept in the year 2025 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.

Marta L. Librock
Notary Public

(Notary stamp) **MARTHA L. LIBROCK**
Notary Public, State of New York
No. 01LI5028312
Qualified in Erie County
My Commission Expires May 31, 2026

Office Use Only: Date received: 9/9/25 Receipt #: 713340

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: _____ Granted _____ Denied _____

Date: _____ Type of Appeal: _____ Granted _____ Denied _____

PETITIONER'S LETTER OF INTENT

Please describe in detail the proposed project, reason the variance and/or special use permit is being requested and any additional information that may be helpful to the Zoning Board of Appeals in deciding this appeal: (attach additional pages if needed)

It is our intent to keep chickens on our property for our own consumption and to offer to local community at a small self-serve farmstand. The farmstand will also offer homemade baked goods. We understand existing guidelines allow for 9 chickens on our 1.5 acres, but we would like to request 20. We understand no roosters are allowed, should we discover a rooster in the flock, we would remove quickly. The chickens will be housed in the rear shed, existing, and will be well maintained. The farmstand will be at the end of our driveway turnaround, 30 feet from ROW.

TO BE COMPLETED ONLY WHEN A USE VARIANCE IS BEING REQUESTED:

A Use Variance is requested because the applicable regulations and restrictions in the Zoning Code of the Town 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 explain: _____

(Attach additional pages if needed)

Project Description Narrative

We are requesting a Special Use Permit to allow for a small roadside farmstand and a backyard flock of hens on my 1.5-acre property at 1351 Underhill Road. The farmstand will operate daily between 8am-9pm and will primarily offer fresh baked goods and eggs produced on-site. The chickens will be housed in a secure, well-maintained coop and run, with no roosters, and will be managed to prevent noise, odor, or pest concerns. This project is small in scale, supports local agriculture and sustainability, and provides the community with access to fresh, local, and healthy food while maintaining the character of the neighborhood.

Respectfully submitted,
Kevin & Anna Grew
8/28/2025

Statement of Operations

1351 Underhill Road, East Aurora, NY
1.5 Acres

Proposed Uses:

1. Small Roadside Farmstand
2. Backyard Flock of Chickens

1. Farm Stand Operations

- a. A small farmstand located near the front of the property, set back from the road to allow safe access and parking, without impeding vehicle and pedestrian road visibility.
- b. The stand will be 10 square feet and offer homemade baked goods (NYS Home Processor ID# 19877) and farm fresh eggs produced onsite (pending approval). The attached proposed site plan shows the placement of the small farmstand at the end of our 2-car turnaround.
- c. The farmstand will operate daily between 8am-9pm.
- d. Self-serve farm stand, designed to serve neighbors and community, will not create traffic congestion or any additional noise.

2. Backyard Chickens

- a. A small flock of chickens (no roosters) will be kept on the property.
- b. Chickens will be housed in a secure, predator-proof coop and enclosed run located in the existing rear shed. The attached proposed site plan shows this shed circled. It is set at the rear of our property, before the tree line, to minimize impact on neighbors.
- c. The coop and run will be cleaned regularly to prevent odors, pests and unsanitary conditions.
- d. Waste will be composted on-site and/or disposed of properly to maintain cleanliness.
- e. The flock is intended for egg production and small-scale personal/farm stand use only.

Community and Compliance Considerations

- a. Both the farm stand and chicken keeping will be small in scale, designed to complement the rural/residential character of our neighborhood and community.
- b. Operations will comply with all applicable zoning, health and animal welfare regulations.
- c. Care will be taken to ensure that neither the farmstand nor the chickens create nuisances related to traffic, noise, odor or safety.
- d. This project supports local agriculture and sustainability by encouraging small-scale food production, fostering greater community self-reliance and providing opportunities for agricultural education and awareness to our young children. It will offer our neighbors and the broader community access to fresh, local and healthy food options.

Respectfully submitted,
Kevin & Anna Grew
8/28/2025

SUPERVISOR
Charles D. Snyder
(716) 652-7590
csnyder@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

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Anthony DiFilippo IV

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

FAX: (716) 652-3507

September 8, 2025

Kevin and Anna Grew
1351 Underhill Road
East Aurora, NY ~~1452~~ 14052 ²⁴

Mr. and Mrs. Grew,

The Building Department has reviewed your request for nine (9) chickens and a front yard accessory structure (stand) on your property at 1351 Underhill Road (SBL 201.01-1-33). The request has been denied because any fowl (chickens) requires Zoning Board of Appeals review and approval, and no accessory structures are allowed in the front yard of your zoning district.

Special-Use Permit:

Section 116-19A

Required: No bees, cattle, horses, goats, sheep, swine, mink, fox or other commercial fur-bearing animals, chickens, ducks, geese, pigeons or other fowl shall be kept, harbored or maintained in any R-1, R-2 or R-3 District. The Zoning Board of Appeals may grant temporary or permanent permission to keep chickens on such conditions as it may require.

Requested: 9

Variance: 9

Variance:

Sections 116-8.1E(4) and 116-18A(1)

Required: No accessory buildings/structures shall be erected in the front yard.

Requested: Accessory Structure in front yard (stand) located approximately 30' from the right-of-way.

Variance: Accessory Structure in front yard (shed) located approximately 30' from the right-of-way.

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,

A handwritten signature in black ink, appearing to read "Richard Miga".

Richard Miga
Assistant Code Enforcement Officer

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

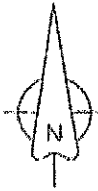
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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: Farm Stand & Chickens			
Project Location (describe, and attach a location map): 1351 Underhill Road, East Aurora, NY 14052			
Brief Description of Proposed Action: I am requesting a special use permit to allow for the keeping of a small flock of backyard chickens, no roosters, and the operation of a small roadside farmstand on my property. The farmstand will operate on a limited basis, offering fresh eggs and homemade baked goods. Previous approval by NYS as a Home Processor with sale at a farm stand received. This farmstand will not create traffic, parking or safety concerns for neighbors as our driveway has a two car turn around space and ample street parking.			
Name of Applicant or Sponsor: Anna Grew		Telephone E-Mail: kg	
Address: 1351 Underhill Road			
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.		NO ☒	YES ☐
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: Zoning Board of Appeals, Special Use Permit		NO ☐	YES ☒
3. a. Total acreage of the site of the proposed action?		1.50 acres	
b. Total acreage to be physically disturbed?		0.000153 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.50 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action: ☐ Urban ☒ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☒ Residential (suburban) ☒ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☒	☐
b. Consistent with the adopted comprehensive plan?	☐	☐	☒
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☒	
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: _____	☒	☐	
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?	☒	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☒	☐	
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: _____ _____	☒	☐	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ N/A	☒	☐	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ N/A	☒	☐	
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	
	☒	☐	
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?	☒	☐	
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	
	☒	☐	
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: _____ _____ _____			

PRINT FORM



FOUND
TALL REBAR
5' 0" N
16' 0" E

SHED
7' 24" N
FRAME
SHED
7' 20" N

477.16' MAP COVER
477.13' MEAS

150.0' MAP COVER
150.01' MEAS.

1.642± ACRES
(INCLUDING HIGHWAY)

SUBLOT 9
MAP COVER 2058

FRAME
SHED
8' 10" S
8' 10" E

CENTER OF DITCH

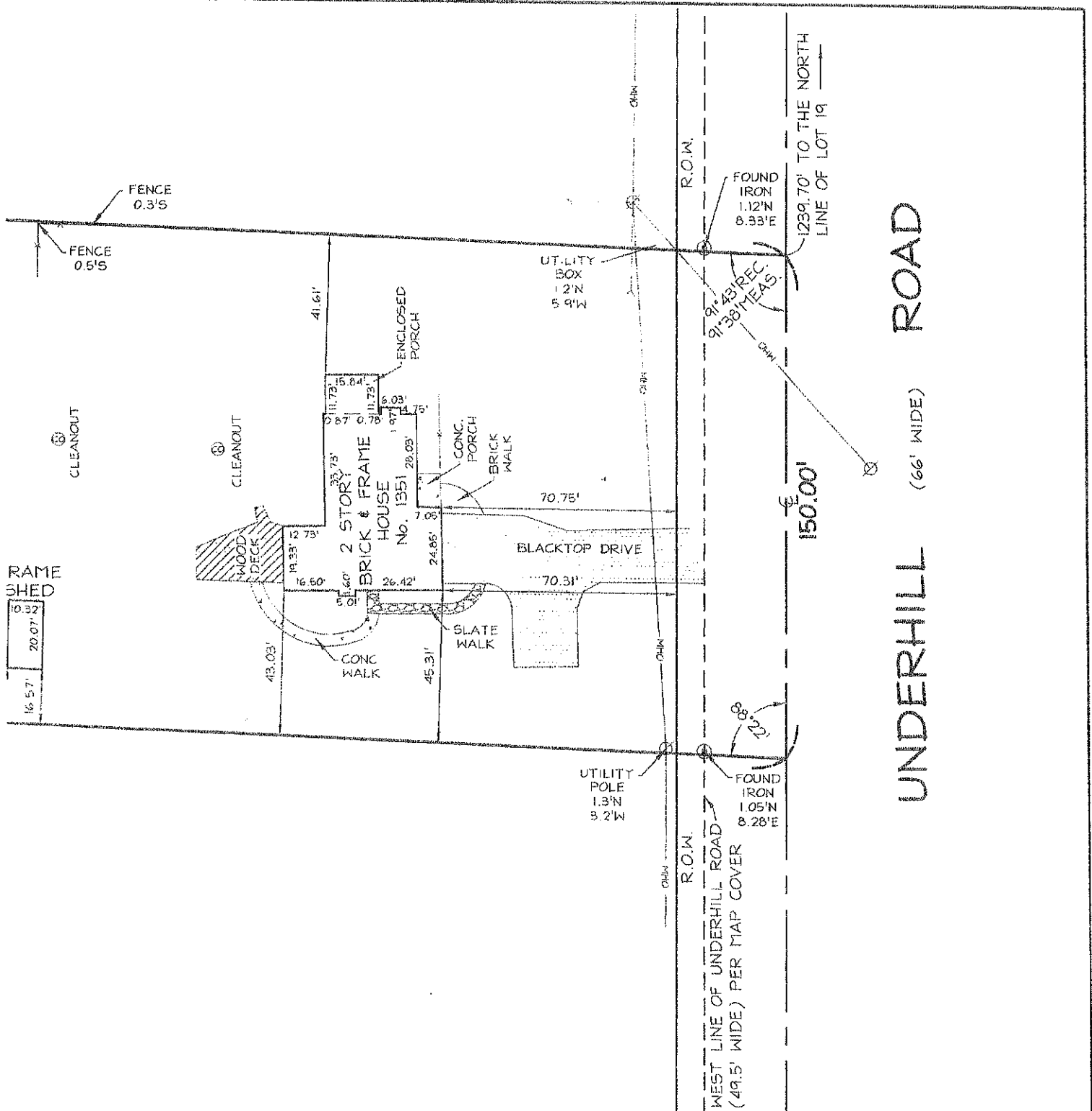
91° 58'

FOUND
IRON
3.11' N
0' 40" E

24" DRAINAGE
PIPE

476.94' MEAS.
477.38' MAP COVER

18" DRAIN.
PIPE

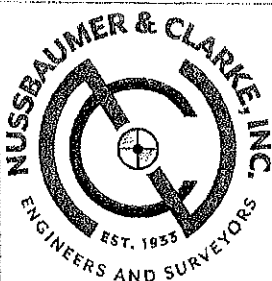


NO IRONS SET OR FOUND AT PROPERTY CORNERS UNLESS NOTED HEREON.

509 Main Street, P.O. Box 516, East Aurora, NY 14052
p (716) 655-1058 f (716) 655-1964 www.nussclarke.com

This survey was prepared without the benefit of an abstract of title and is subject to any state of facts that may be revealed by an examination of such.

Unauthorized alterations or additions to any survey, drawing, design, specification, plan or report is a violation of section 7209, provision 2 of the New York State Education Law.



BOUNDARY SURVEY 1351 UNDERHILL ROAD

Part of Lot 19, Township 9, Range 6
Holland Land Company's Survey
Town of Aurora
County of Erie, State of New York

Date of Survey: 8/2/2021

Scale: 1" = 40'

Project No.: 21J3-0485

Thornton A. Kenyon

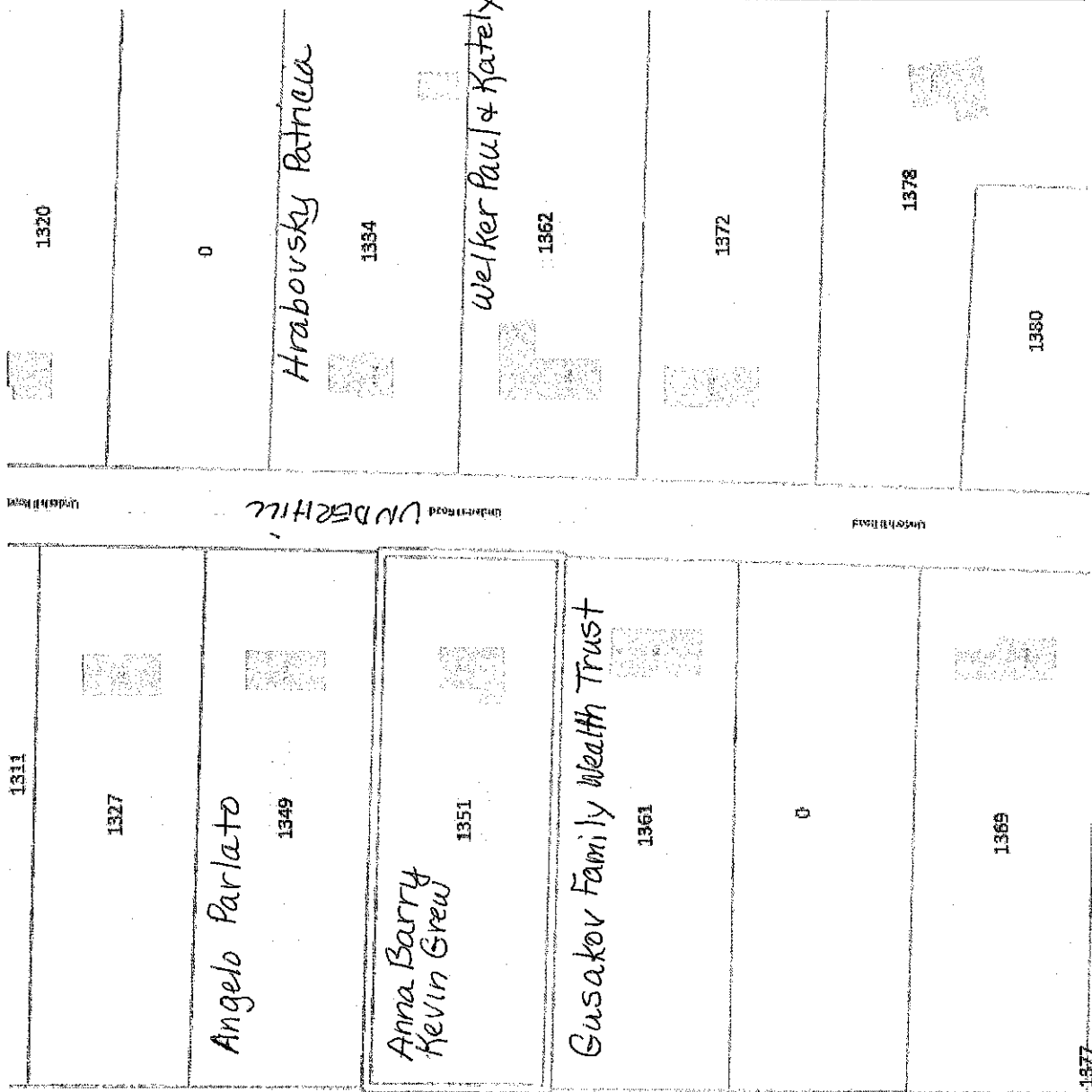


Erie County On-Line Mapping Application



Legend

Parcels



1778
Berkley
Harvilicz Estate
Allison Carr
194 Angle Rd
W Seneca, NY
14224

0 0.04 0.1 Miles

ERIE COUNTY
DEPARTMENT OF ENVIRONMENT & PLANNING
OFFICE OF GIS

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

1: 2,257



WGS 1984 Web Mercator Auxiliary Sphere
THIS MAP IS NOT TO BE USED FOR NAVIGATION