

original



CASE NO. 1497
DATE OF HEARING 5/15/25

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 Martha K. Townson
Address 1153 Big Tree Rd. (AKA: EAST MAIN ST.)
City East Aurora State NY ZIP 14052
Phone 716
Interest in the whole

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 1153 Big Tree Rd. East Aurora NY 14052
SBL# 176.00-3.1
Property size in acres 3.36 Property Frontage in feet 479
Zoning District R-1 Surrounding Zoning R1, RR
Current Use of Property R-1 Residential

IV. REQUEST DETAIL

(check all that apply)
☒ Variance from Ordinance Section(s) # 116-28A
☐ Special Use Permit for: _____
☐ Use Variance for: (2) Driveway Security Gates
☐ Interpretation of _____

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)

see attached

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)

PETITIONERS LETTER of INTENT

From: Martha Townson <roundhay7@icloud.com>
Sent: Monday, March 17, 2025 10:56 AM
To: Dolly Bailey
Cc: box and mox townson
Subject: Townson Requested Variance

Dolly, Please convey to the appropriate people the following explanation Regarding the variance I am requesting .

I am requesting a variance on the height of proposed security gates To a height of 6/7 feet. The location of the property in proximity to The 400 makes security a concern/worry since two incidents Have occurred over the past 9 months. Both incidents involved Trespass deep into the property toward the house by middle Eastern men. Two of them blocked the Big Tree driveway entrance With their car and retreated only when confronted by two adults And three dogs. It is hoped that the gates will provide an Effective yet attractive deterrent to people passing on The main thoroughfare in and out of East Aurora and just off The 400 on Big Tree Rd.

Sincerely Martha K. Townson

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

Submit this form with full statement of proposed action (as described in GML 239-m(c)) at www.Erie.gov/IRonline, OR mail a hard copy (retain a copy for your files) to: Erie County Division of Planning, 95 Franklin Street, Room 1053, Buffalo, N.Y., 14202

DO NOT WRITE IN THIS SPACE

Case No.: _____

Postmark/Delivery Date: _____

The proposed action described herein is referred in accordance with the provisions of NYS General Municipal Law §239 I - nn

A Municipal Referral Map is available to help determine whether an applicable action is subject to referral.

Description of Proposed Action

1. Name of Municipality: Town of Aurora

§239-m(4)(b) provides that the county shall have 30 days after receipt of a full statement of the proposed action to reply.

If the county fails to reply within such period, the referring body may take final action.

However, any county reply received after 30 days but 2 or more days prior to final action by the referring body shall be subject to §239-m(5)

The referring body shall file a report of its final action with the county within 30 days per §239-m(6).

2. Hearing Schedule: Date 5/15/2025 Time 7:00pm Location 575 Oakwood Ave., E. Aurora, NY

3. Action is before: ☐ Legislative Body ☒ Board of Appeals ☐ Planning Board

4. Action consists of: ☐ New Ordinance ☐ Rezone/Map Change ☐ Ordinance Amendment

☐ Site Plan ☒ Variance ☐ Special Use Permit ☐ Other: _____

5. Location of Property: ☐ Entire Municipality ☒ Address: 1153 Big Tree Rd (aka E. Main St), East Aurora, NY

5a. S.B.L. of Property: 176.00-3-1

6. Referral required as site is within 500' of: ☐ State or County Property/Institution ☐ Municipal Boundary ☐ Farm Operation located in an Agricultural District
☐ Expressway ☐ County Road ☒ State Highway ☐ Proposed State or County Road, Property, Building/Institution, Drainageway

7. Proposed change or use: Height of proposed driveway security gates is higher than allowed by Town Code
(specify the action, such as the scope of variances or site plans)

8. Other remarks: _____

9. Submitted by: Martha Librock, Town Clerk Email: townclerk@townofaurora.com

10. Return Address: 575 Oakwood Ave., East Aurora, NY 14052

Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on _____. The Division herewith submits its review and reply under the provisions of applicable state and local law, based on the information submitted with this referral.

1. ☐ The proposed action is not subject to review under the law.
2. ☐ Comment on proposed action is attached hereto.
3. ☐ The proposed action is subject to review; Recommendation on Proposed Action is attached hereto.
4. ☐ No Recommendation; proposed action has been reviewed and determined to be of local concern.

By the Division of Planning: _____ **Date:** _____

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



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

TOWN OF AURORA
Aurora Municipal Center
575 Oakwood Avenue, East Aurora, NY 14052
www.townofaurora.com

April 28, 2025 -updated

TOWN COUNCIL MEMBERS

Luke Wochensky
lwochensky@townofaurora.com

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Joseph M. McCann
jmccann@townofaurora.com

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highway@townofaurora.com

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TOWN JUSTICE
Jeffrey P. Markello
Anthony DiFilippo IV

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

FAX: (716) 652-3507

Martha K. Townson
1153 Big Tree Road
East Aurora, NY 14052

Ms. Townson:

The Building Department has reviewed your request to construct *two (2) 7'-9" high gates at the corner property at 1153 Big Tree Road (SBL 176.00-3.1)*. The request has been denied because it fails to meet the requirement of *fence* height in your zoning district of R1.

Section 116-28A

Required: A wall or fence not over 3 1/2 feet high in any front yard or side-street side yard.

Requested: Two 7.7' (at the highest point) high gates at the driveway access from Big Tree Road and Cook Road. The gates are located approximately 54' from the road edge at Big Tree Road and 24.75' from the ROW of Cook Road.

Variance: 4.2'

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 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,

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: MARTHA K. TOWNSON			
Project Location (describe, and attach a location map): SECURITY GATES			
Project Location (describe, and attach a location map): 1153 BIG TREE RD. EAST AURORA, N.Y. 14052			
Brief Description of Proposed Action: TWO sets of gates for driveway that runs from Cook Rd to Big Tree Road.			
Name of Applicant or Sponsor: MARTHA K. TOWNSON		Telephone: 5	
		E-Mail: rmail.com	
Address: 1153 BIG TREE 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?			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.			☒ ☐
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO YES
If Yes, list agency(s) name and permit or approval:			☒ ☐
3. a. Total acreage of the site of the proposed action?		<u>0</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>3.36</u> 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			

	NO	YES	N/A
5. Is the proposed action,			
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: _____ _____		☒	☐
11. Will the proposed action connect to existing wastewater utilities?		NO	YES
If No, describe method for providing wastewater treatment: _____ _____		☒	☐
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: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☒ 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
	☒	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	☒	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☒	☐
If Yes, briefly describe: _____ _____		
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
	☒	☐
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
	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	☒	☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>MARTIN K. TOWNSON</u> Date: <u>3/12/25</u> Signature: <u><i>Marshall Townson</i></u> Title: <u>Property Owner</u>		

Licensed and insured

FENCES UNLIMITED

6665 NASH RD
NORTH TONAWANDA, NY 14120



•COMMERCIAL •RESIDENTIAL •INDUSTRIAL

PHONE: (716) 381-1290
FAX: (716) 216-6085

www.fencesunlimitedwny.com

"Where the only limit is your imagination"

E-MAIL: Sales@fencesunlimitedwny.com

CUSTOMER: MARSHAL TOWNSEND
COMPANY: _____
ADDRESS: 1153 MAIN STREET
CITY, STATE, ZIP: E. AURORA, NY 14052
PHONE#: _____ CELL: _____

Survey:

- ☐ With order ☐ Available at install
☐ To be faxed ☐ Lost: Customer Directed Install

Permit:

- ☒ Permit is needed
☐ Permit is NOT needed

DATE: 3-4-25

Heard of us from:

- ☐ Phone Book ☐ Referral
☐ Advertisement ☐ Other _____

WOOD FENCE	
Material	
Height	
Total Ft.	
Fence Style	
Gates	
Post Style	
CHAIN LINK	
Color	
Height	
Total Ft.	
Gates	
ORNAMENTAL	
Style	<u>ALUMINUM</u>
Color	<u>BLACK</u>
Caps	<u>450</u>
Height	<u>6'</u>
Gates	<u>2 @ 14' ARCHES</u>
Total Ft.	<u>30</u>
PVC (Vinyl)	
Style	
Color	
Caps	
Height	
Gates	
Total Ft.	

(PREP FOR OPERATOR)
1) OPERATOR #3849.00
2) POSTS/CAPS AND ASSOCIATED HARDWARE FOR MOUNTING AND PREP FOR OPERATOR #3,200.00
3) LABOR #1,000.00

* CUSTOMER TO SUPPLY ELECTRIC

3.5% Bank Fee
on all Credit Card
Purchases

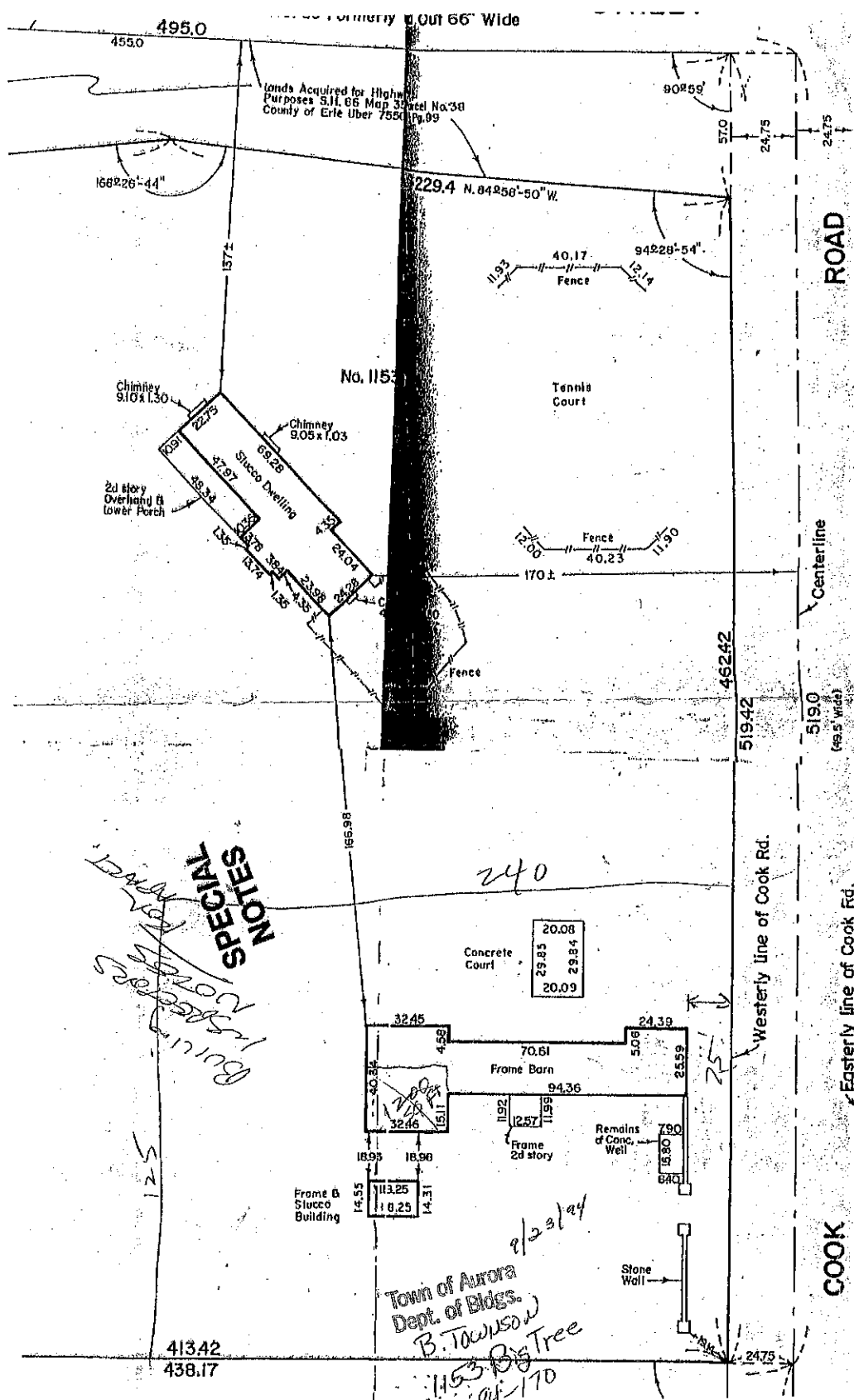
Credit
Price

CASH
Price

CONDITIONS	
Stakes	
Survey	☒
Steep Grade	
SPECIAL NOTES	
Follow Ground	☒
Level	☒
Clearance Below Fence	<u>2'</u>
Rails In/Out	
PREP NECESSARY	
Line to be Cleared (Ft)	<u>N/A</u>
Haft Away (ft)	<u>N/A</u>
Holes Thru Blacktop Concrete	<u>N/A</u>
CONDITIONS	
Trees	☒ ☒
Rocks	
Landscaping	☒
Existing Fence	
Fence Behind	
Customer Utilities	
TOOLS NEEDED	
Core Drill	
Breaker	☒ Post Puller
Band Saw	Rotary Hammer
Water	
Generator	

* Signed Acceptance is needed before production can begin

TERMS:



SPECIAL NOTICES

Town of Aurora
Dept. of Bldgs.
B. Thompson
1153 Big Tree
94-170

9/23/94

41342
438.17

51942
5190
(69.5' wide)

ROAD

Centerline

COOK

Westerly line of Cook Rd.

Easterly line of Cook Rd.

lands Acquired for Highway
Purposes S.11.66 Map 3042 No.38
County of Erie Uber 7550 Pa.09

229.4 N. 84°25'50" W.

Tennis Court

11.93 40.17 94°28'54" 12.14
Fence

12.00 40.23 11.90
Fence

Fence

240

Concrete Court
20.08
29.85
29.85
20.09

32.45 4.58 24.39 5.08 25.59

70.61 94.36

Frame Barn

Frame 2d story

Remains of Conc. Well

79.0 19.80 64.0

Stone Wall

Frame & Stucco Building

14.55 113.25 14.31 10.25

32.45 4.58 15.11 40.34

32.45 4.58

18.95 18.96

155.98

24.04 24.28 23.88 13.74 13.5

38.34 35.34 35.34 35.34

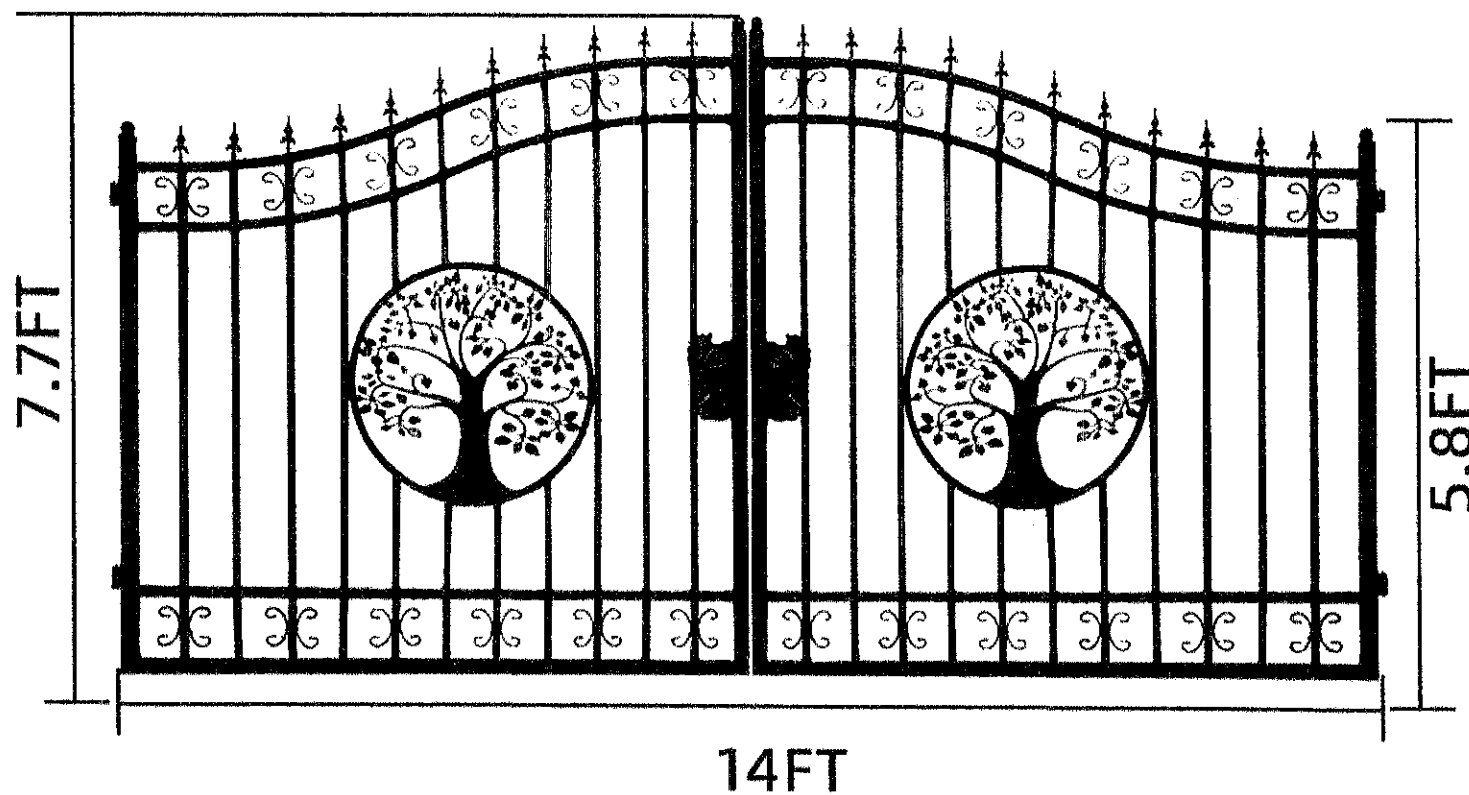
65.28 47.97 22.75

Chimney 9.05 x 1.03

Chimney 9.10 x 1.50

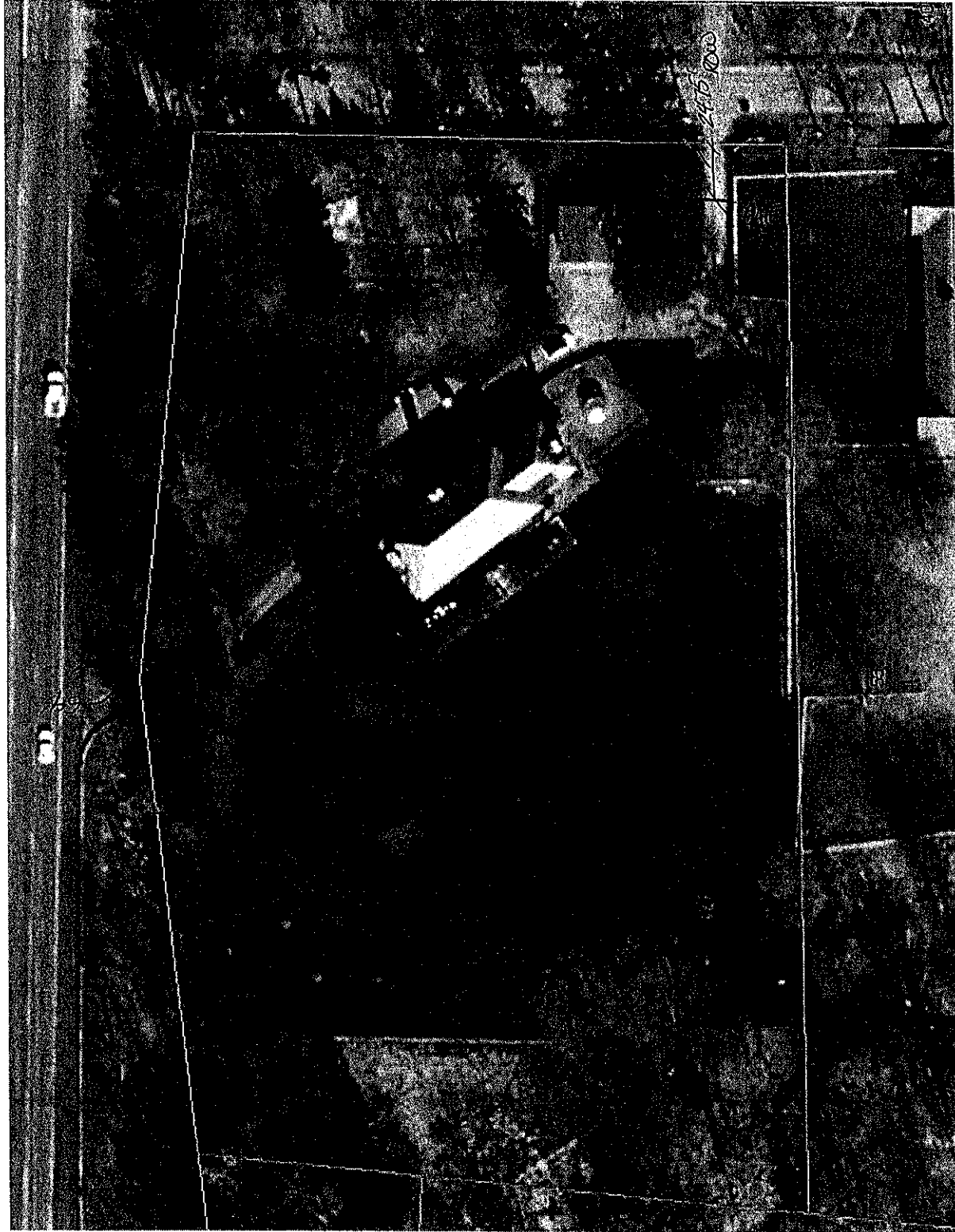
2d story Overhang & lower Porch

495.0





Erie County On-Line Mapping Application



0 0.02 0.0Miles

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

ERIE COUNTY
DEPARTMENT OF ENVIRONMENT & PLANNING
OFFICE OF GIS

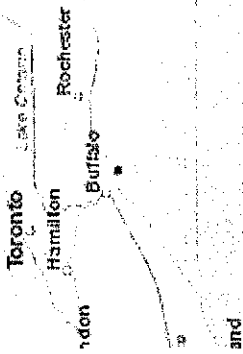
This map is a user generated static output from
an Internet mapping site and is for reference only.
Data layers that appear on this map may or may
not be accurate, current, or otherwise reliable.

1: 1,128



Legend

 Parcels





Parcels

0	0.07	0.1 Miles
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**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: 4,514

