

original
CASE NO. 1528DATE OF HEARING 11/19/25Town 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 Robert Hopkins Jr
Address 216 Old Glenwood Rd
City West Falls State NY ZIP 14170
Phone 7 ax Email nh0
Interest in r/purchaser/developer owner**III. PROPERTY OWNER INFORMATION** (If different from applicant information.)Property Owner(s) Name(s) RN H/ROSS LLC
Address 1073 DAVIS RD
City WEST FALLS State NY ZIP 14170
Phone Fax Email **III. PROPERTY INFORMATION**Property Address 1073 Davis Rd
SBL# 186.06-5-38
Property size in acres 0.98 Property Frontage in feet 20'
Zoning District C2 Surrounding Zoning C2/A/RE
Current Use of Property Commercial**IV. REQUEST DETAIL**

(check all that apply)

☒ Variance from Ordinance Section(s) # 99-31A(1); 99-31A(2) + A(3); 99-31A(4)(a); 99-31A(5);
Special Use Permit for: 99-31A(6);
Use Variance for: 99-31A(8)
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)

Pg 4 Question 1:

The proposed project involves constructing a pole barn addition off the backside of the existing building. The structure will serve as a storage space for a recreational vehicle and other personal belongings, such as seasonal items, tools, and outdoor items. The pole barn will be designed to complement the existing building in both appearance and functionality. The placement on the rear side of the property minimizes or eliminate visual impact from the street. Variance is being requested as the addition will be within X feet of the property line.

Short Environmental Assessment Form:

Pg 1.

Name of Project: 1073 Davis Rd Storage Addition

Project Location: West Side of existing building at 1073 Davis Rd. Reference attached satellite view.

Brief Description of Proposed Action:

The project proposes a 45.5' by 24' addition to be constructed on the west side of the existing structure located at 1073 Davis Road, Town of Aurora, Erie County, NY.

The addition will be built on a permanent foundation and integrated with the existing structure's exterior materials and roofline. No change in use or occupancy is proposed; the work is intended to provide minor expansion of existing interior space (for example, structural, entryway, or mechanical enclosure).

All work will comply with applicable provisions of the Town of Aurora Zoning Code (Chapter 116) and New York State Building Code.

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)

Robert Neil Hopkins
Signature of Applicant/Petitioner

Robert Neil Hopkins
Print name of Applicant/Petitioner

State of New York; County of Erie

On the 8 day of October 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.

Dorothy Bailey
Notary Public

(Notary stamp)

DOROTHY BAILEY
Reg #01BA0023544
Notary Public, State of New York
Qualified in Erie County
Commission Expires April 15, 2028

Office Use Only: Date received: 10/14/25 Receipt #: 713406

Application reviewed by: re

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 _____

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

**Zoning Board of Appeals
Application
Owner Authorization**

The undersigned, who is the owner of the premises know as:

1073 Davis Rd identified as Tax Map (SBL)# 186.00-5-38
(address)

hereby authorizes Neil Hopkins to bring an application for ☒ area variance
() special use permit () use variance () interpretation before the Town of Aurora Zoning Board of
Appeals for review and potential approval. The undersigned further permits the Town or its authorized
representative(s) access to the property to review existing site conditions during the review process.

Robert Neil Hopkins
Owner (print)

10/12/2025
Date

Robert Neil Hopkins
Owner (signature)

STATE OF NEW YORK)
 SS
COUNTY OF ERIE)

On this 8 day of October, 2025, before me, the undersigned, a notary public in and for said state,
personally appeared Robert Neil Hopkins, personally known to me on the basis of
satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and
acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their
signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted,
executed the instrument.

Dorothy Bailey
Notary Public

DOROTHY BAILEY
Reg #01BA0023544
Notary Public, State of New York
Qualified in Erie County
Commission Expires April 15, 2028

**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 l - 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** 11/19/2025 **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: 1073 Davis Rd (aka Route 240), West Falls, NY

5a. S.B.L. of Property: 186.00-5-38

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: Frontage, lot size, front and side yard setbacks, ingress/egress width less than that allowed by Town Code for an addition to existing commercial building on an ODA (flag lot)
(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

TOWN COUNCIL MEMBERS

Luke Wochensky
lwochensky@townofaurora.com

Joseph M. McCann
jmccann@townofaurora.com

Raymond M. Wrazen
rwrazen@townofaurora.com

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

CODE ENFORCEMENT
OFFICER
Elizabeth Cassidy
(716) 652-7591
building@townofaurora.com

ASSESSOR
Stephen R. Pigeon
assessor@townofaurora.com
(716) 652-0011

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

TOWN ATTORNEY
Brigid M. Maloney

TOWN JUSTICE
Jeffrey P. Markello
Anthony DiFilippo IV

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

FAX: (716) 652-3507

*This institution is an equal
opportunity provider and employer.*

Robert Hopkins Jr
216 Old Glenwood Rd
West Falls, NY 14170

Neil,

The Building Department has reviewed your request to construct an addition on your building at 1073 Davis Rd. The request has been denied because it fails to meet the code requirements for Open Development Area lots within the Town.

Section 99-31A(1)
Required: Minimum lot size will be three acres exclusive of the "flagpole" portion of the property.
Requested: Existing ODA lot with area of .79 Ac
Variance: 2.21 acres

Section 99-31A(2)
Required: Flagpole portion of the lot must have a minimum of 75' of frontage on an existing state, county, or Town road and maintain a minimum 75' wide right of way retained by the property owner.
Requested: Existing ODA lot with a flagpole of 20' frontage and width
Variance: 55' for flagpole frontage and width

Section 99-31A(3)
Required: All access roadways will be located on a private right-of-way at least 75' wide.
Requested: Existing ODA with a private right-of-way width of 20'
Variance: 55' for private right-of-way width

Section 99-31A(4)(a)
Required: At every increment of 150' of access roadway length, there will be an additional vehicle pass-by bump-out measuring a minimum of 6' wide and 25' long.
Requested: Access roadway without bump-outs
Variance: Access roadway without bump-outs

Section 99-31A(5)
Required: Front yard setback of 200' from the boundary line parallel to the street right-of-way.
Requested: Existing building with a front yard setback of 75.63'
Variance: 124.37'

Section 99-31A(6)
Required: Side yard setback of 50'.
Requested: Existing building with a side yard setback of 28.15'.
Variance: 21.85'

October 10, 2025

Section 99-31A(8)

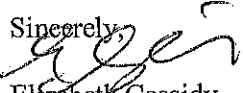
Required: Minimum lot width of 200' for the boundary line parallel to the street right-of-way.

Requested: Existing ODA lot with a lot width of 125.98'

Variance: 74.02'

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 dark ink, appearing to read 'Elizabeth Cassidy', is written over the word 'Sincerely,'.

Elizabeth Cassidy
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			
Neil Hopkins			
Name of Action or Project:			
RV storage			
Project Location (describe, and attach a location map):			
1073 Davis Rd			
Brief Description of Proposed Action:			
construct an RV storage shed			
Name of Applicant or Sponsor:		Telephone:	
Robert Hopkins Jr			
		E-Mail: nl	
Address:			
216 Old Glenwood Rd			
City/PO:		State:	Zip Code:
West Falls		NY	14170
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:			☐ ☒
FOA Building permit			
3. a. Total acreage of the site of the proposed action?		0.76	acres
b. Total acreage to be physically disturbed?		0.03	acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		5.4	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: NA	☒	☐	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: NA	☒	☐	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: NA	☒	☐	
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, 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:	NO	YES
	☐	☒
	☒	☐
	☒	☐
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>Robert Neil Hopkins</u> Date: <u>10/12/2025</u> Signature: <u>Bob Neil</u> Title: <u>owner</u>		

addition

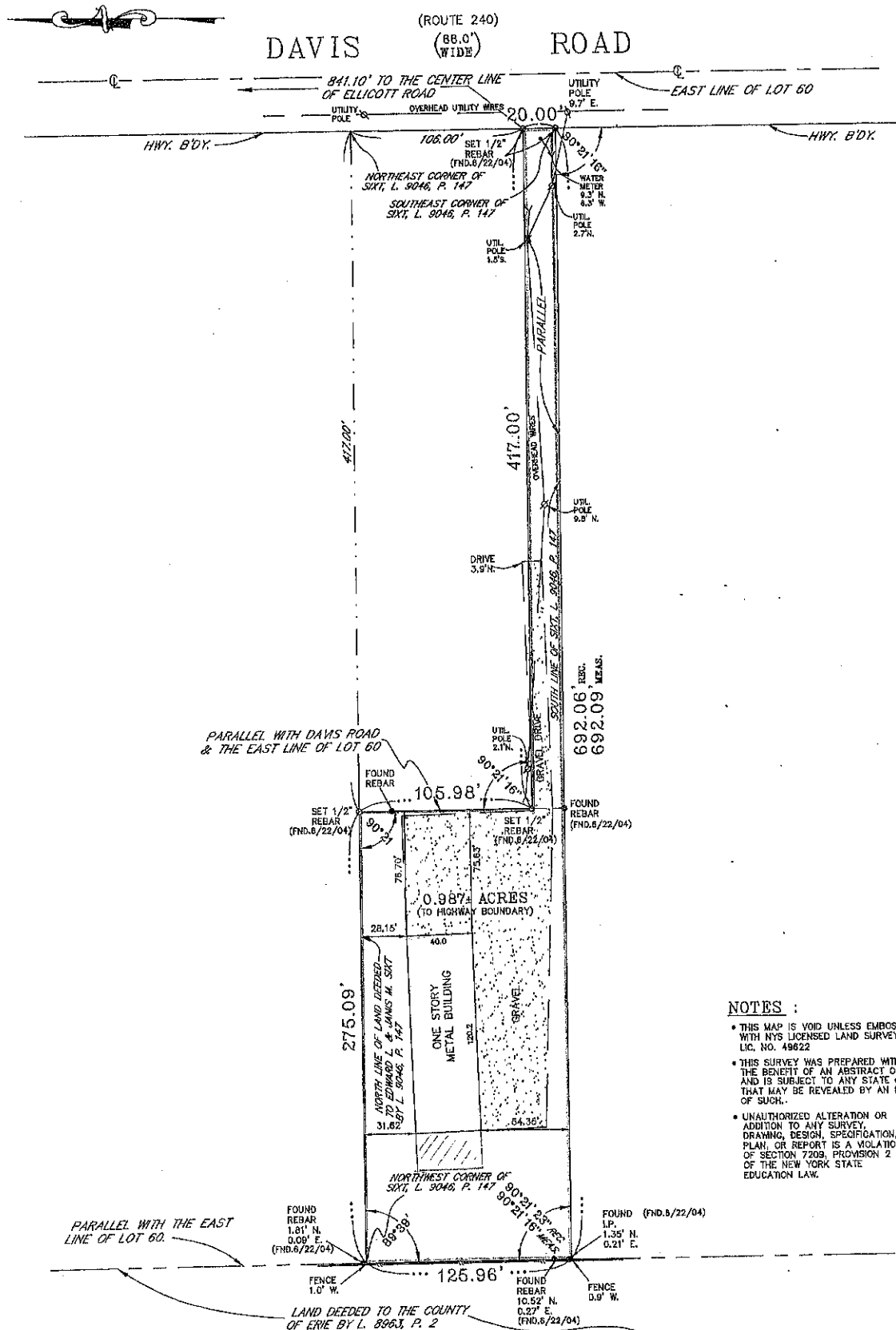
Existing



Quaker Auto Service

Sgt Gerhard &
Associates CPAs, PLLC

Davis Rd



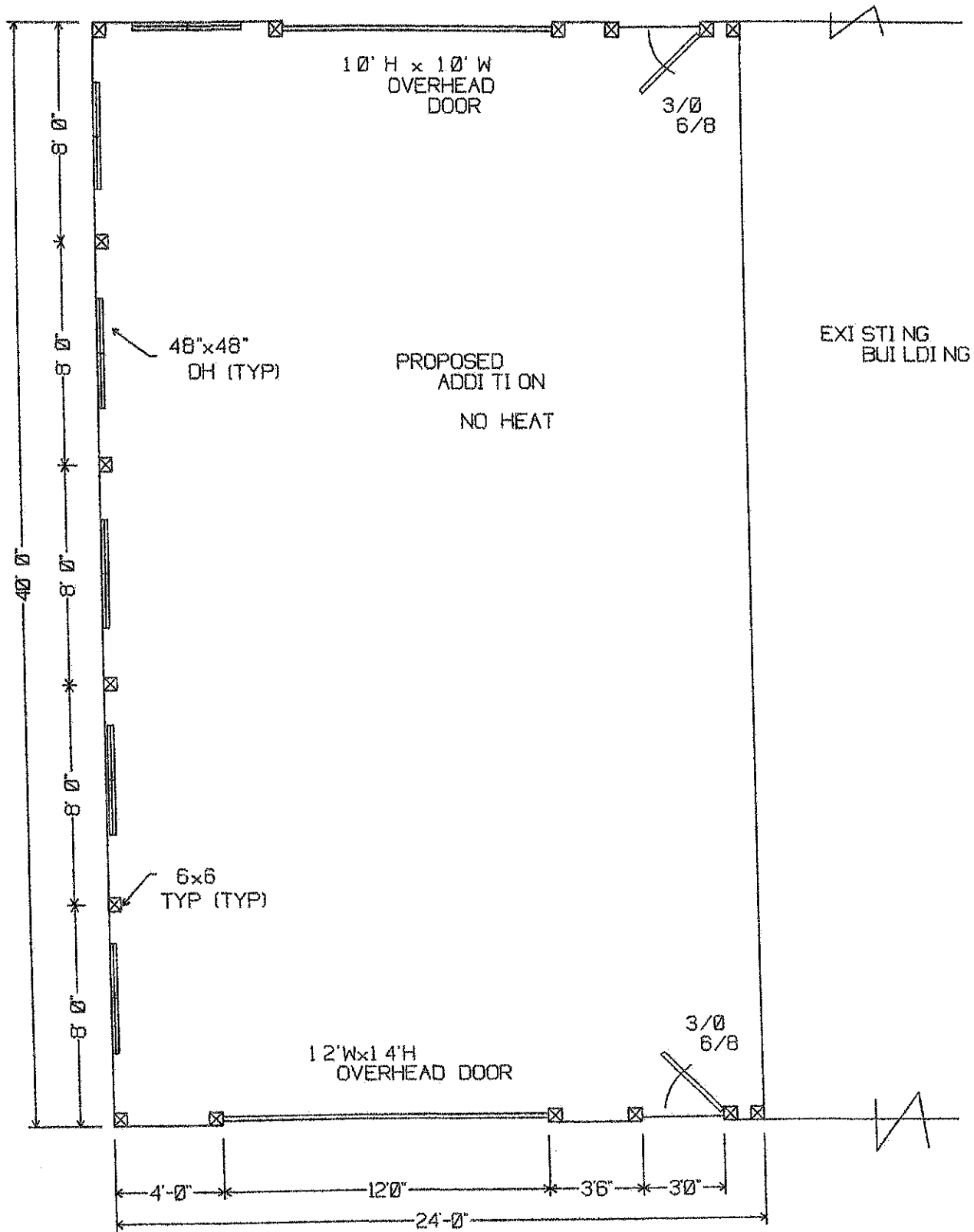
NOTES :

- THIS MAP IS VOID UNLESS EMBOSSED WITH NYS LICENSED LAND SURVEYOR LIC. NO. 49622
- 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 ALTERATION OR ADDITION TO ANY SURVEY, DRAWING, DESIGN, SPECIFICATION, PLAN, OR REPORT IS A VIOLATION OF SECTION 7209, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

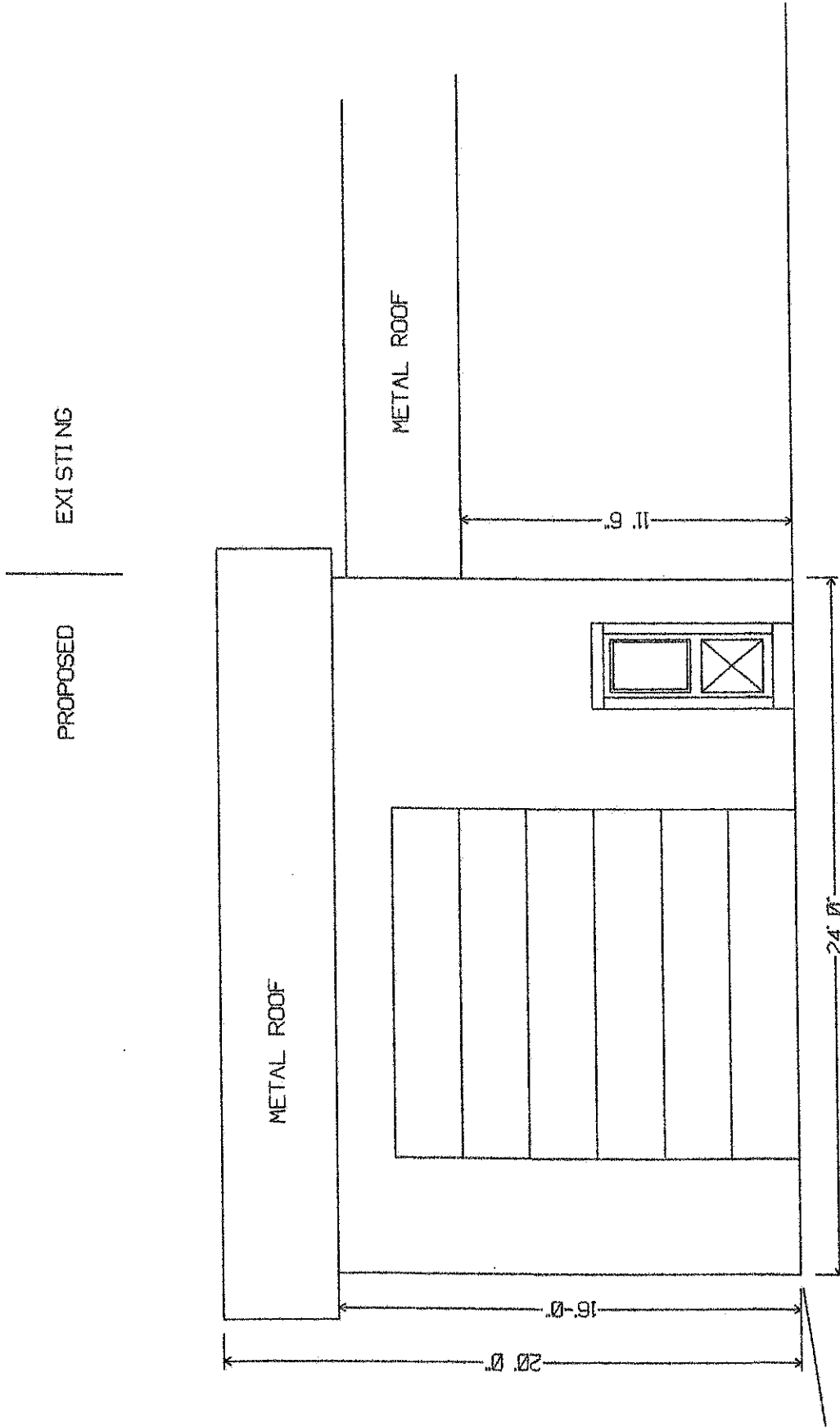
PART OF L 60 S T 9 R 6, TOWN OF AURORA, COUNTY OF ERIE, STATE OF NEW YORK

RESURVEY			JAMES L. SHISLER, L.S., P.C. PROFESSIONAL LAND SURVEYOR	
DATE	JOB	DESCRIPTION		
6/22/04	03627	FINAL	P.O. BOX 516 EAST AURORA, NEW YORK 14052-0516 (716) 655-1058	
			DRAWN BY: P.G.P.	SCALE: 1" = 60'
			CHECKED BY: J.L.S.	DATE: 9/8/03
			JOB NO.: 03627	SHEET NO.: C-3290

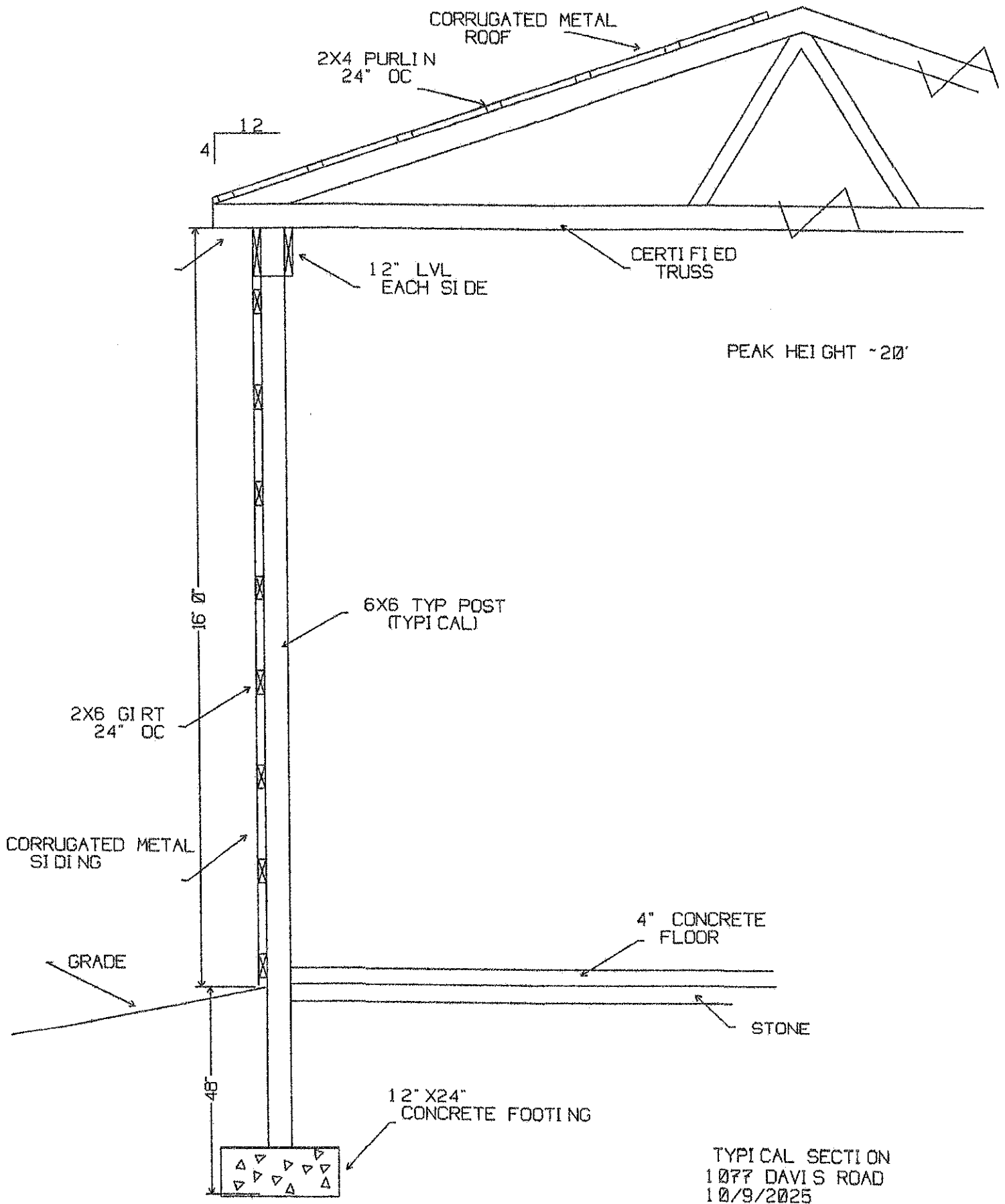
James L. Shisler



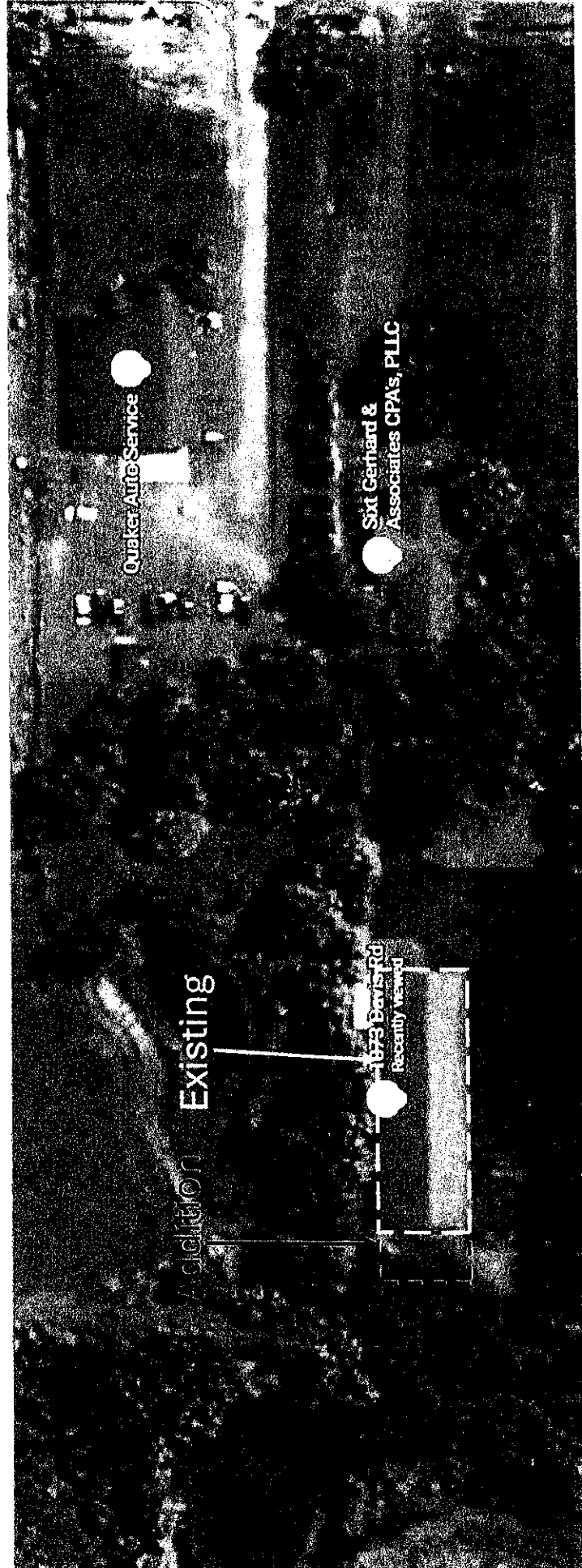
PROPOSED ADDITION
1077 DAVIS ROAD
10/9/2025



SOUTH ELEVATION
1077 DAVIS ROAD
10/9/2025



Davis Rd



Existing

Addition

1873 Davis Rd
Recently Viewed



**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

