

original
CASE NO. 1502DATE OF HEARING 6/18/25Town 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 Molly Hartwig
Address 1563 Underhill Rd
City East Aurora State NY ZIP 14052
Phone Fax Email mollsi@att.com
Interest owner/purchaser/developer Owner

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

Property Owner(s) Name(s) N/A
Address
City State ZIP
Phone Fax Email

III. PROPERTY INFORMATION

Property Address 1563 Underhill Rd
SBL# 201.01-1-19
Property size in acres 0.72 Property Frontage in feet 128ft
Zoning District RR Surrounding Zoning RR/A
Current Use of Property residential

IV. REQUEST DETAIL office detail

(check all that apply)

☒ Variance from Ordinance Section(s) # 116-8.44(1)
☐ Special Use Permit for:
☐ Use Variance for:
☐ 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)

① We respectfully request a variance to reduce the side yard setback by 4ft for the proposed addition to our home. This addition will create a safe, enclosed boundary for our small child, while connecting our living space directly to the outdoor patio for easier supervision and play. It will also provide additional indoor space for promoting a nurturing environment for young children. The variance will enhance our home's functionality, ensuring a secure and cohesive space for our growing family.

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)

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)

Molly Hartwig
Signature of Applicant/Petitioner

Molly Hartwig
Print name of Applicant/Petitioner

State of New York; County of Erie

On the 2 day of May 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.

Isaac Rivera
Notary Public

(Notary stamp)

ISAAC RIVERA
Notary Public of New York
No. 01RI0005674
Qualified in CATTARAUGUS
My Commission exp. 04/17/2027
Isaac Rivera

Office Use Only: Date received: _____ Receipt #: _____

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 _____

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

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Anthony DiFilippo IV

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

FAX: (716) 652-3507

May 7, 2025

Molly Hartwig
1563 Underhill Road
East Aurora, NY 14052

Molly:

The Building Department has reviewed your request for a proposed side yard setback for the construction of an addition to your single-family dwelling at 1563 Underhill Road (SBL 201.01-1-19). The request has been denied because it fails to meet the requirement for minimum side yard setback from the south property line.

Section: 116-8.4G(1) – Side yards
Required: Principal building: each side yard a minimum of 20 feet.
Requested: 16'
Variance: 4'

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

**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 1 - 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** 06/18/2025 **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: 1563 Underhill Rd, E. Aurora

5a. S.B.L. of Property: 201.01-1-19

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: Addition to residence closer to side lot line 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., E. 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: _____

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: Hartwig Addition			
Project Location (describe, and attach a location map): 1563 Underhill Rd East Aurora NY 14052			
Brief Description of Proposed Action: residential addition ~16' x 20' to existing residential dwelling			
Name of Applicant or Sponsor: Molly Hartwig		Telephone: (716) 777-7777 E-Mail: mol@hartwig.com	
Address: 1563 Underhill Rd East Aurora, NY 14052			
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:			NO ☒ YES ☐
3. a. Total acreage of the site of the proposed action?		.72 acres	
b. Total acreage to be physically disturbed?		.007 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		.72 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>Molly Hartwig</u> Date: <u>5/2/2025</u> Signature: <u>Molly Hartwig</u> Title: <u>Owner</u>		

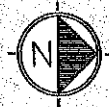
128.00

WINDOW & PATIO DOOR SCHEDULE											
NO.	MR	UNIT #	TYPE	QTY.	ROUGH OPENING WIDTH	HEIGHT	LIGHT SQ.FT.	VENT SQ.FT.	CLEAR OPENING SQ.FT.	1" FACTOR	NOTES
A	ANDERSEN	DA204H	DOUBLE HUNG	3	30 1/2"	64"					COTTAGE STYLE
B	ANDERSEN	AM20H	JAMBING	1	42"	26 1/2"					COTTAGE STYLE MILLER
C	ANDERSEN	PM2000	HINGED PATIO	1	60"	46"					COTTAGE STYLE MILLER
D	ANDERSEN	DA204H-4	DOUBLE HUNG	1	122"	64"					COTTAGE STYLE MILLER

CONTRACTOR TO CONFIRM WINDOW UNIT ORDER AND VERIFY ROUGH OPENINGS

16.0' PROPOSED
SIDE YARD SETBACK
4.0' VARIANCEProposed
Addition22.12' EXISTING
SIDEYARD SETBACK
AT SOUTHWEST
CORNER

SITE PLAN NOTES:

SITE PLAN DERIVED FROM BOUNDARY SURVEY MAP AS
PROVIDED BY HUGGBAUMER & CLARKE
ENGINEERS AND SURVEYORS, DATED DECEMBER 5, 2014TOWN OF AURORA, COUNTY OF ERIE, STATE OF NEW YORK,
PART OF LOT 14, RANGE 6, TOWNSHIP 4

SITE PLAN

SCALE: 1" = 20'-0"

PROPERTY LINE

15.25' EXISTING
SIDE YARD SETBACK14.54' EXISTING
SIDE YARD SETBACK

GENERAL NOTES

1. ALL STRUCTURE AND CONSTRUCTION SHALL BE IN ACCORDANCE WITH CONSTRUCTION SPECIFICATIONS WHERE APPLICABLE AND/OR SUBJECT TO REVISIONS BY THE TOWN ENGINEER.
2. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS PRIOR TO START.
3. ALL ELECTRICAL WORK TO BE COMPLETED SHALL BE IN ACCORDANCE WITH STATE CODES AND THE NATIONAL ELECTRICAL CODE (NEC).
4. CONTRACTOR TO PROVIDE ALL NECESSARY DRAGING AND SHORING CONSTRUCTION.

STRUCTURAL NOTES

WOOD

1. FASTENERS AND SUPPORTS TO BE SHOWN STRONG-TIE CONNECTIONS RECOMMENDED BY THE MANUFACTURER FOR FRAMING CONDITIONS AS SHOWN IN DRAWINGS INCLUDING BEAM HANGERS AND POST BASE ANCHORS.
2. ROUGH GARTENING: FRAMING MATERIALS SHALL BE SOUTHERN PINE, BETTER, OR EASTERN WHITE PINE, 12% OR BETTER, PROVIDE TWO RAFTERS AS NOTED.
3. ROOF SHEATHING (PLYWOOD) SHALL BE APA RATED EXPOSURE 1, 1" THICKNESS PERPENDICULAR TO SUPPORTS, ALLOW 16" SPACING AT PER PANEL CLIP SPACERS.

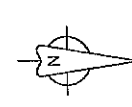
STEEL

1. PROVIDE REINFORCEMENT OF TYPES SHOWN ON THE DRAWINGS AND AS NOTED, UNLESS INDICATED OTHERWISE.

CAST-IN-PLACE CONCRETE

1. INSTALL CONCRETE AS SHOWN ON DRAWINGS: INCLUDING CONTINUOUS.
2. USE SUFFICIENT AND COMPETENT WORKMAN AND EQUIPMENT AREA AND NUMBER TO ACCOMPLISH WORK OF THIS SECTION IN A TIMELY MANNER.
3. PROVIDE REINFORCEMENT OF TYPES SHOWN ON THE DRAWINGS AND AS NOTED, UNLESS INDICATED OTHERWISE. PROVIDE TRANSVERSE REINFORCEMENT WITH AS MIN. 4# FOR 5000 PSI CONCRETE AT FOOTINGS AND 3000 PSI.
4. THE MINIMUM COMPRESSIVE STRENGTH OF CONCRETE AT FOOTING.
5. 5000 PSI CONCRETE WITH 3# - 12" AIR ENTRAINMENT FOR FOOTING TABLE R-4022.
6. 3000 PSI CONCRETE WITH 1# - 12" AIR ENTRAINMENT FOR CONCRETE PER NEW YORK CODE TABLE R-4022.
7. CONCRETE SLABS SHALL HAVE 6 X 6 X 10 REINFORCING.

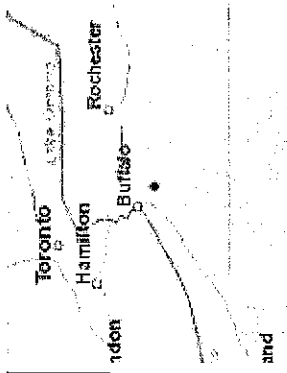
UNDERHILL ROAD (49.5' WIDE)



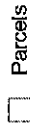
503 Main Street, P.O. Box 516, East Aurora, NY 14052
P (716) 655-1058 F (716) 655-1964 www.nusseclafke.com



Erie County On-Line Mapping Application



Legend



Parcels



0 0.07 0.1 Miles

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: 4,514

