



original

CASE NO. 1500

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 Nicole Lehsten
Address 743 West Falls Rd
City W. Falls State NY ZIP 14221-4110
Phone 716 Fax Email lehste@wfalls.com
Interest in owner (r/purchaser/developer)

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

Property Owner(s) Name(s) same as above
Address
City State ZIP
Phone Fax Email

III. PROPERTY INFORMATION

Property Address 743 West Falls Rd
SBL# 199.03-2-31
Property size in acres .2029 Property Frontage in feet 180' wide
Zoning District R3 Surrounding Zoning R2, R3, A
Current Use of Property SFD

IV. REQUEST DETAIL

(check all that apply)

☒ Variance from Ordinance Section(s) # 116-18A(3), 116-8.3F(2)
☐ Special Use Permit for:
☐ 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)

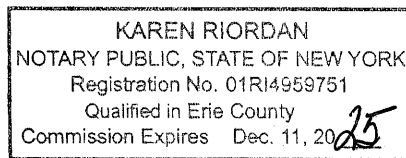
Nicole Lehsten
Signature of Applicant/Petitioner

Nicole Lehsten
Print name of Applicant/Petitioner

State of New York; County of Erie

On the 10 day of April 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.

Karen Riordan
Notary Public



(Notary stamp)

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 _____

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:

743 West Falls Rd, identified as Tax Map (SBL)#.....
(address)

hereby authorizes Doug Clark 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.

Nicole Whisen
Owner (print)

4/11/25
Date

Nicole Whisen
Owner (signature)

STATE OF NEW YORK)
 SS
COUNTY OF ERIE)

On this _____ day of _____, 20____, before me, the undersigned, a notary public in and for said state, personally appeared _____, 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.

Notary Public

**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 - m.
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: 743 West Falls Rd., PO West Falls

5a. S.B.L. of Property: 199.03-2-31

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: Front yard setback and distance from dwelling of an accessory building (shed) less than allowed by Town Code
(specify the action, such as the scope of variances or site plans)

8. Other remarks: _____

9. Submitted by: Martha Libroek, 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. 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

Luke Wochensky
lwochensky@townofaurora.com

James F. Granville
jgranville@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.*

April 16, 2025

Nicole Lehsten
743 West Falls
West Falls, NY 14170

Nicole:

The Building Department has reviewed your request to construct *an accessory structure (shed) at 743 West Falls Rd. (SBL 199.03-2-31)*. The request has been denied because it fails to meet the requirement for *an accessory building/structure setback from the dwelling*.

Sections 116-8.3F(2)

Required: Where 20% or more of the lots in the same block on the same side of the street and within 1,000 feet of a proposed building are improved with buildings, the average setback of such existing buildings shall establish the minimum setback or building line. This provision shall not be interpreted to permit a front yard depth of less than 30 feet.

Requested: Existing Dwelling is 4.1' from right-of-way

Variance: 25.9

Sections 116-18A(3): Accessory Building/Structures in R Districts

Required: Nearer than 10 feet to any dwelling unless attached thereto and considered part thereof for purposes of yard measurements.

Requested: 19" from dwelling.

Variance: 8.42'

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.

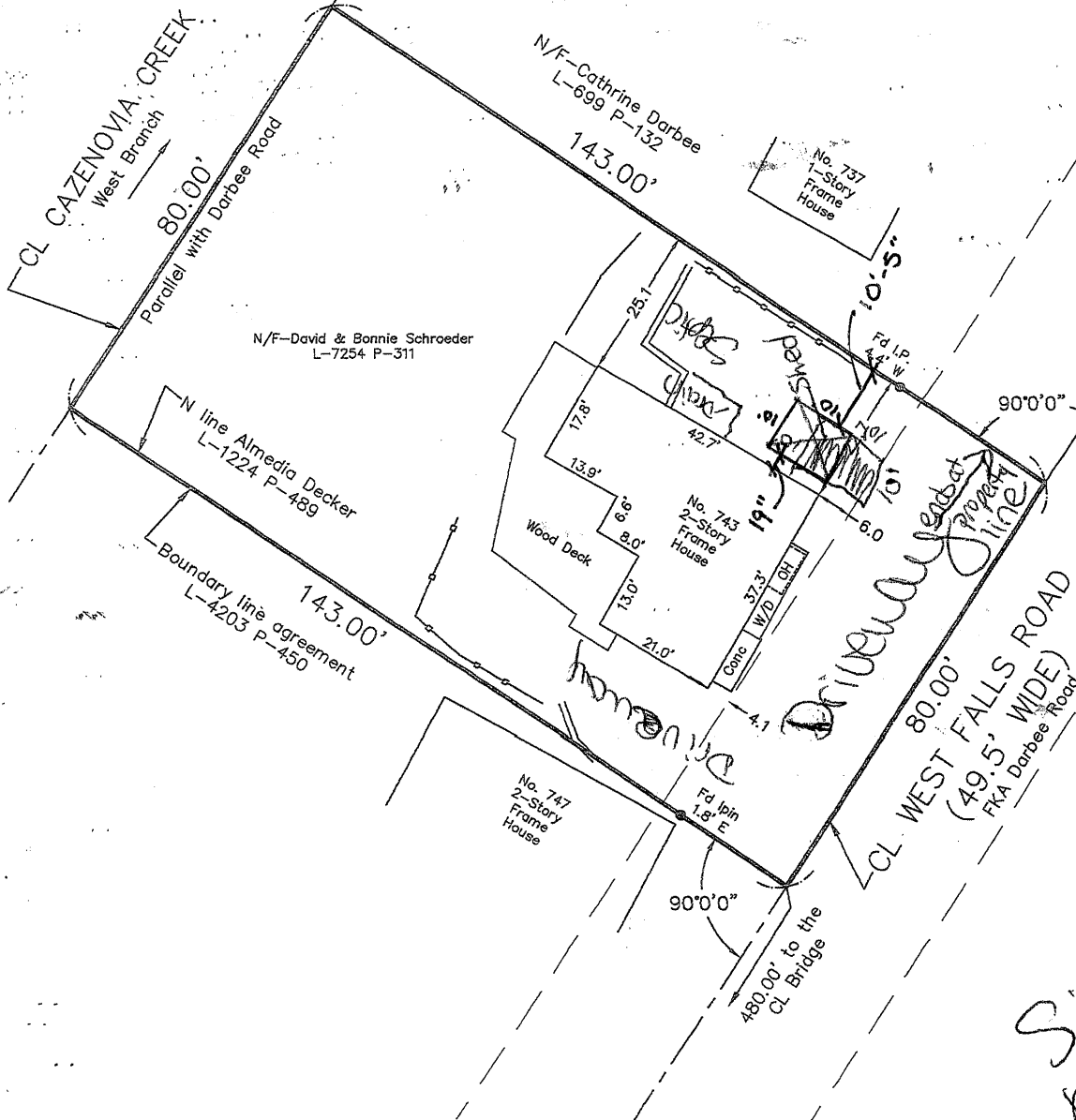
Part 1 – Project and Sponsor Information			
Name of Action or Project: Shed			
Project Location (describe, and attach a location map): on side property			
Brief Description of Proposed Action: outdoor storage to keep property clean			
Name of Applicant or Sponsor: Nicole Lehsten		Telephone: 1716 E-Mail: lehste	
Address: 743 West Falls Rd			
City/PO: West Falls NY		State: NY	Zip Code: 14170
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? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.3 acres 0.3 acres 0.3 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: _____ _____	☒	☐	
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>Daniel Whalen</u>		Date: <u>4/11/25</u>
Signature: <u>[Signature]</u>		Title: _____

SURVEY

743 WEST FALLS ROAD
AURORA, NEW YORK



Site plan



1"=30'

ADDRESS: 743 WEST FALLS ROAD, AURORA, NEW YORK

DATE OF SURVEY: 09/21/17 DATE OF MAP: 09/25/17

DEED REFERENCE: LIBER 7254 PAGE 311

LEGAL: PART OF LOT-49, T-9, R-6 OF THE HOLLAND LAND COMPANY'S SURVEY, TOWN OF AURORA, ERIE COUNTY, NEW YORK STATE.

NO PROPERTY CORNER WERE SET AS PART OF THIS SURVEY

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 A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF NEW YORK STATE EDUCATION LAW

REQUESTED BY: Pace & Pace, LLC.

Handwritten signature: C. M. G.

GENZEL LAND SURVEYING, P.C. ©2017
7033 COLE ROAD COLDEN, NEW YORK 14033
PH: (716) 667-9733 FAX: (716) 667-9735
JOB NO. 5130 DATE: 09/25/17 DWN. BY: JAG

THIS MAP VOID UNLESS STAMPED
WITH NEW YORK STATE LICENSED
LAND SURVEYOR'S SEAL NO 050503

743 WEST FALLS ROAD
AURORA, NEW YORK



ADDRESS: 743 WEST FALLS ROAD, AURORA NEW YORK
DATE OF SURVEY: 09/21/17 DATE OF MAP: 09/25/17
DEED REFERENCE: LIBER 7254 PAGE 311

NO PROPERTY CORNER WERE SET AS PART OF THIS SURVEY

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP
BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF
SECTION 7209, SUB-DIVISION 2, OF NEW YORK STATE EDUCATION
LAW

GENZEL LAND SURVEYING, P.C. ©2017
7033 COLE ROAD COLDEN, NEW YORK 14033
PH: (716) 667-9733 FAX: (716) 667-9735
JOB NO. 5130 DATE: 09/25/17 DWN. BY: JAG

THIS MAP VOID UNLESS STAMPED
WITH NEW YORK STATE LICENSED
LAND SURVEYOR'S SEAL NO 050503

 What can we help you find?

- Shop All
- MyLow ^{Here}
- Appliances
- Bathroom
- Building Supplies
- Flooring
- Lawn & Garden
- Lighting
- Outdoor
- Tools
- Plumbing
- Doors & Windows
- Earth Day

 Find a Store Near Me ▾



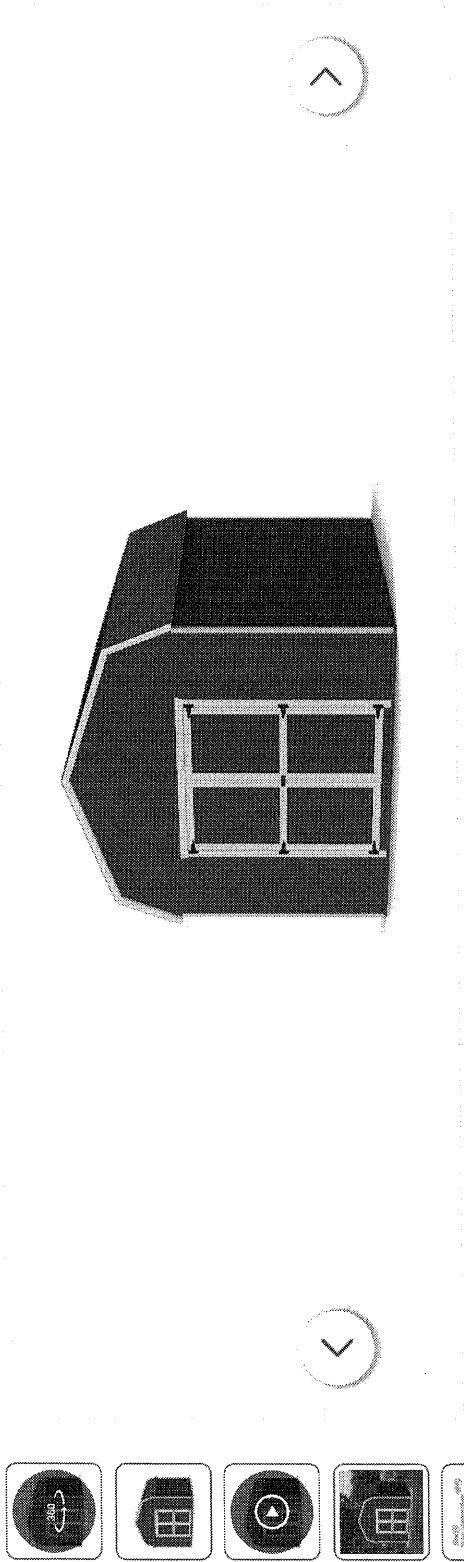
Prices, Promotions, styles, and availability may vary. Our local stores do not honor online pricing. Prices and availability of products and services are subject to change without notice. Errors will be corrected where discovered, and Lowe's reserves the right to revoke any stated offer and to correct any errors, inaccuracies or omissions including after an order has been submitted.

< Back to Results / Outdoors / Sheds & Outdoor Storage / Sheds / Wood Storage Sheds

Little Cottage Co Value Gambrel Barn 10-ft x 10-ft Gambrel Style Wood Outdoor Storage Shed with 2 Doors

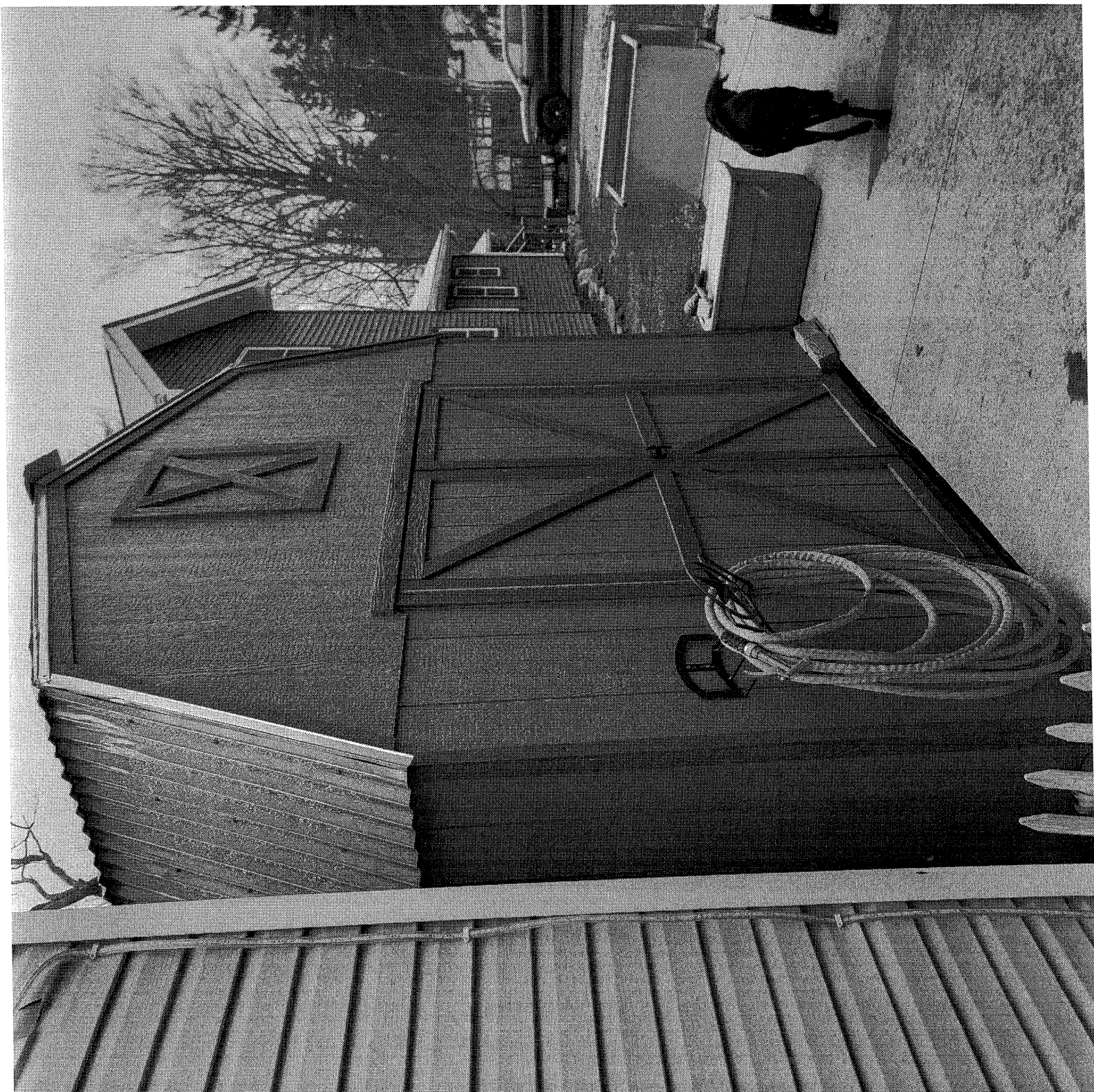
Item #5726901 | Model #10X10 YGB-G-PC

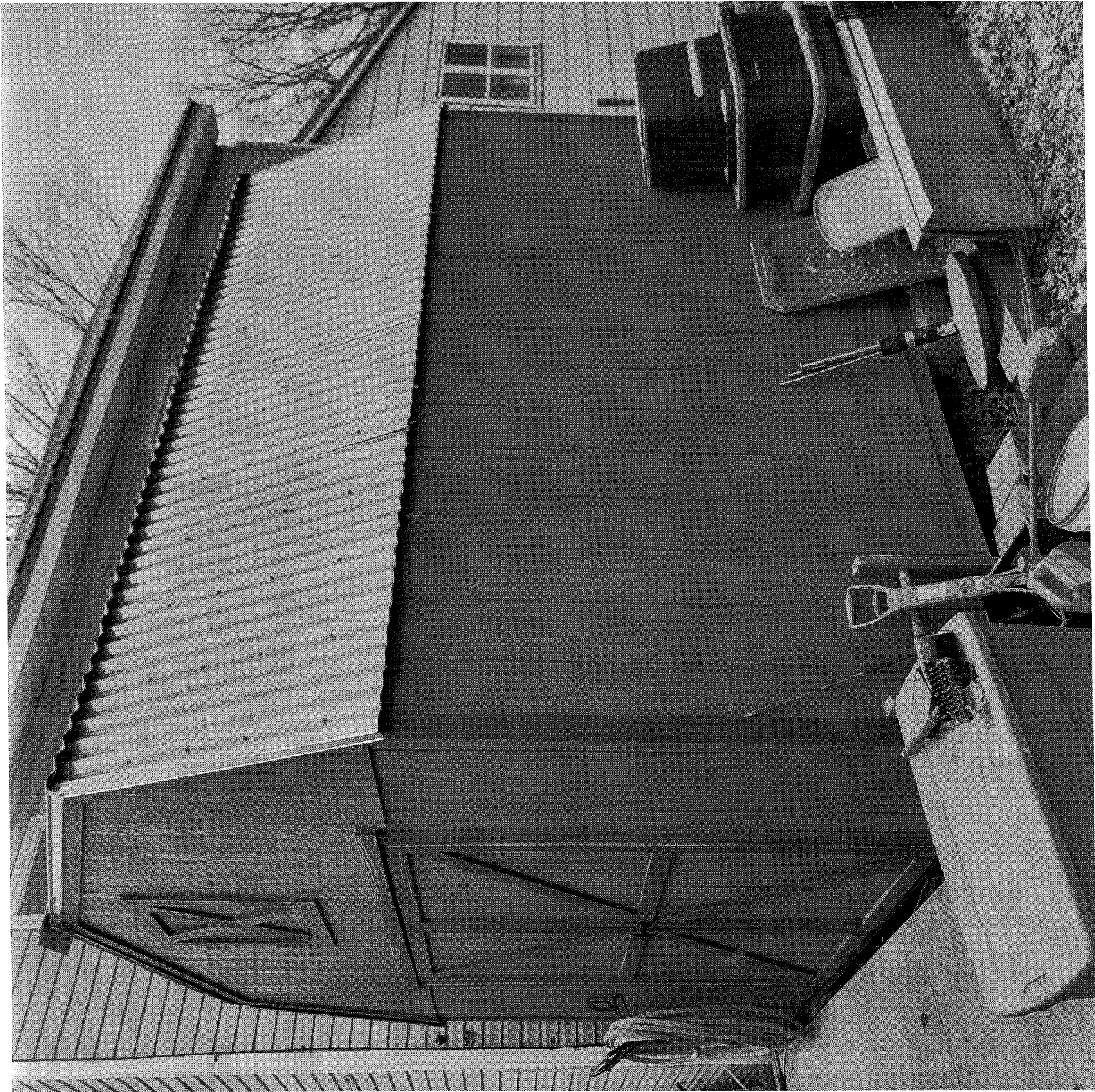
[Shop Little Cottage Co](#)      4.6 ▾ 11

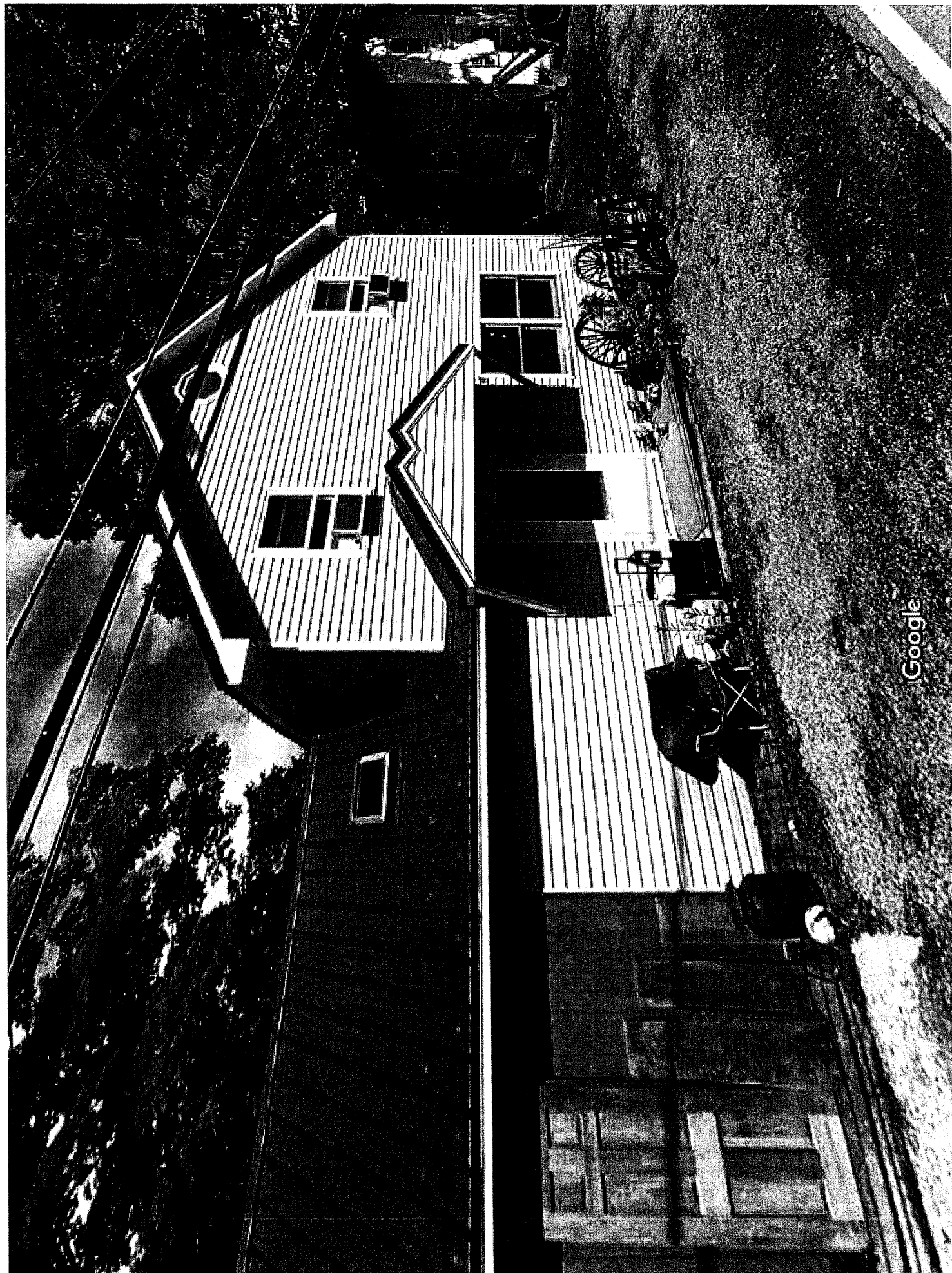


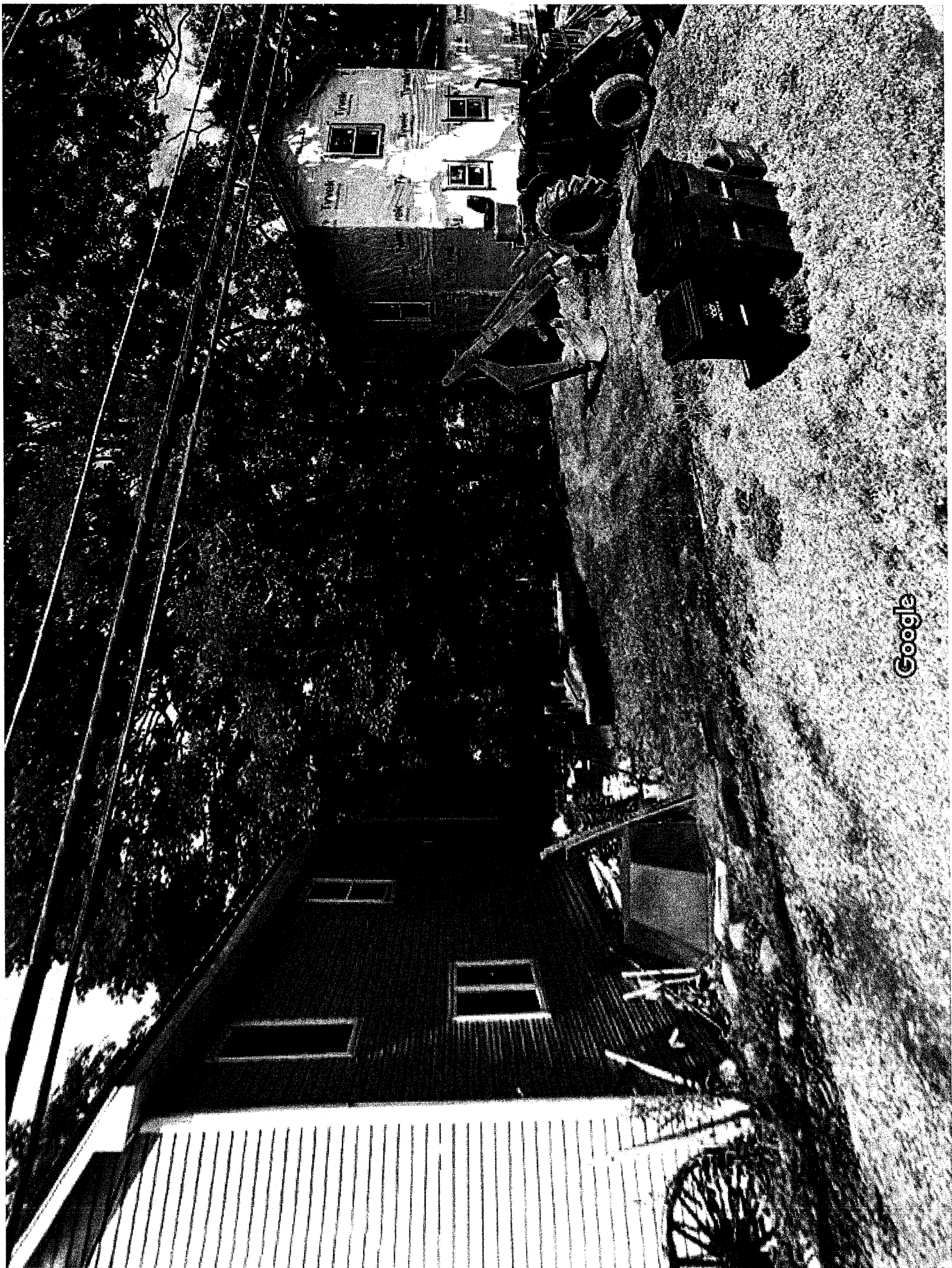
Little Cottage Co Value Gambrel Barn 10-ft x 10-ft Gambrel Style Wood Outdoor Storage Shed with 2 Doors **\$1,971.76**

[Shop Little Cottage Co](#)      4.6 ▾ 11

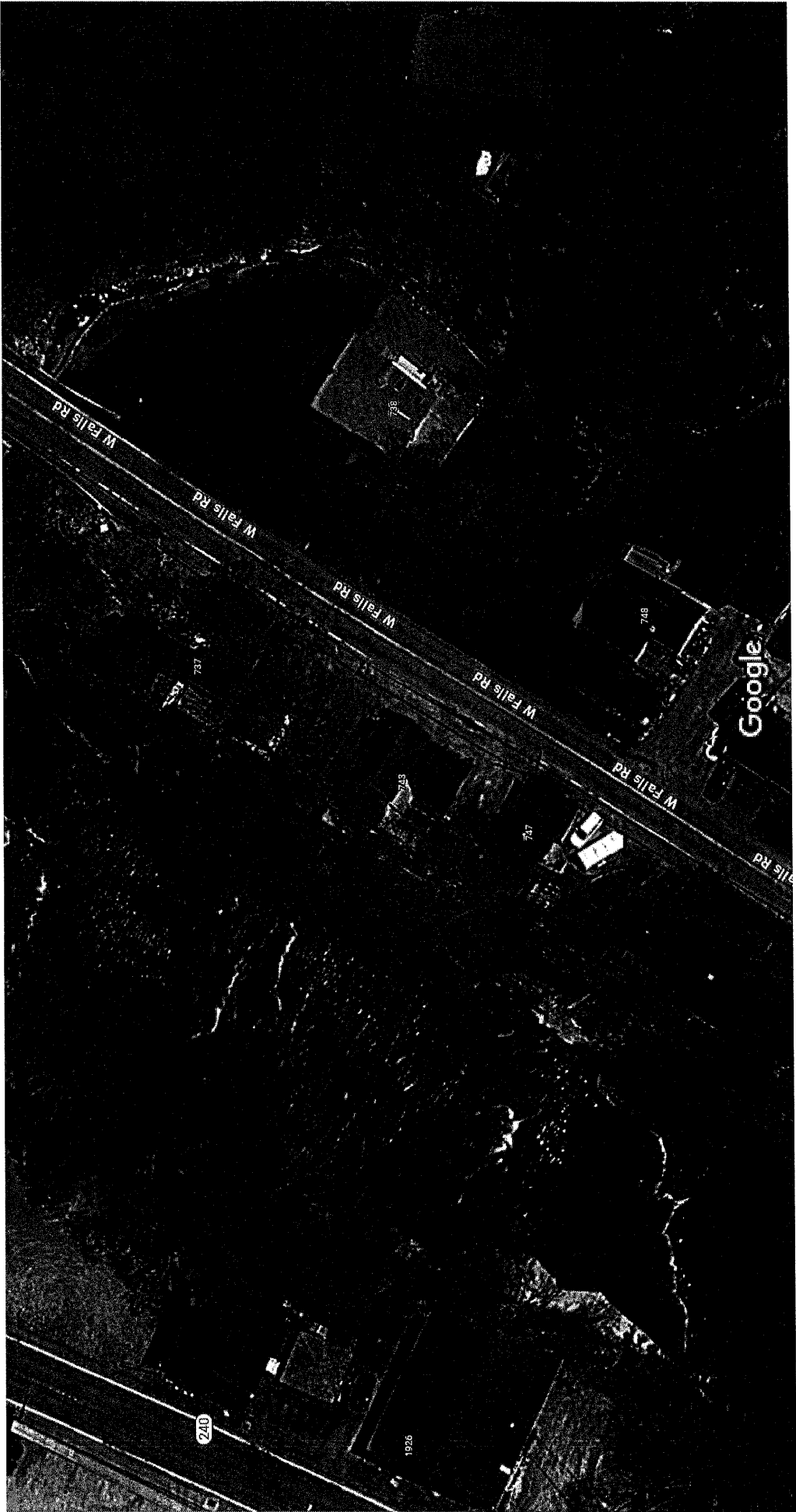














Parcels

1: 2,257



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.

**ERIE COUNTY
DEPARTMENT OF ENVIRONMENT & PLANNING
OFFICE OF GIS**

0.1 Miles

0.04

1

WGS_1984_Web_Mercator_Auxiliary_Sphere
THIS MAP IS NOT TO BE USED FOR NAVIGATION