



CASE NO. 1550
DATE OF HEARING 8/28/26

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 KEITH MCCOY
Address 36 Hillcrest Rd
City EAST AURORA State NY ZIP 14052
Phone 716 472 9141 Fax _____ Email Keithmccoy64@gmail.com
Interest in the property (ex: owner/purchaser/developer) _____

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

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

III. PROPERTY INFORMATION

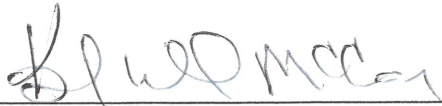
Property Address 36 Hillcrest
SBL# 116.11-2-28
Property size in acres 2.24 Property Frontage in feet 165'
Zoning District R1 Surrounding Zoning R1
Current Use of Property SFD

IV. REQUEST DETAIL

(check all that apply)

☒ Variance from Ordinance Section(s) # 116-8.1B(2) & 116-17D
☐ 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)



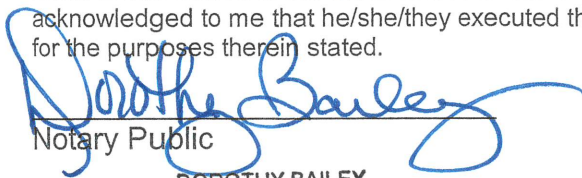
Signature of Applicant/Petitioner



Print name of Applicant/Petitioner

State of New York; County of Erie

On the 14 day of July in the year 2020 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.



Notary Public

DOROTHY BAILEY
Reg #01BA0023544

(Notary Public, State of New York
Qualified in Erie County
Commission Expires April 15, 20__

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 _____

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)

REQUESTING A VARIANCE IN MEAN ROOF
HEIGHT OF A POLE BARN FROM 15 FEET TO
17 FEET TO ALLOW FOR A 14 FOOT GARAGE DOOR.
THIS WILL ALLOW ME TO PARK MY BOAT INSIDE
THE BARN.

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)

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



TOWN CLERK
Jeanne H. Viger
(716) 652-3280
townclerk@townofaurora.com

TOWN OF AURORA

Aurora Municipal Center
575 Oakwood Avenue, East Aurora, NY 14052
www.townofaurora.ny.gov

TOWN COUNCILMEMBERS

Jessica B. Armbrust
jarmbrust@townofaurora.ny.gov

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 JUSTICES
Jeffrey P. Markello
James F. Granville

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

FAX: (716) 652-3507

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

July 13, 2026

Keith McCoy
36 Hillcrest Road
East Aurora, NY 14052

Keith,

The Building Department has reviewed your request for construction of a post-framed structure at 36 Hillcrest Road. The request has been denied because it fails to meet the requirement for mean height of the accessory structure and garage door height in the Residential (R1) zoning district in which the proposed fence will be located.

Sections 116-8.1B(2): Maximum mean height
Required: one story and shall not exceed 15' in height.
Requested: 17' mean height
Variance: 2'

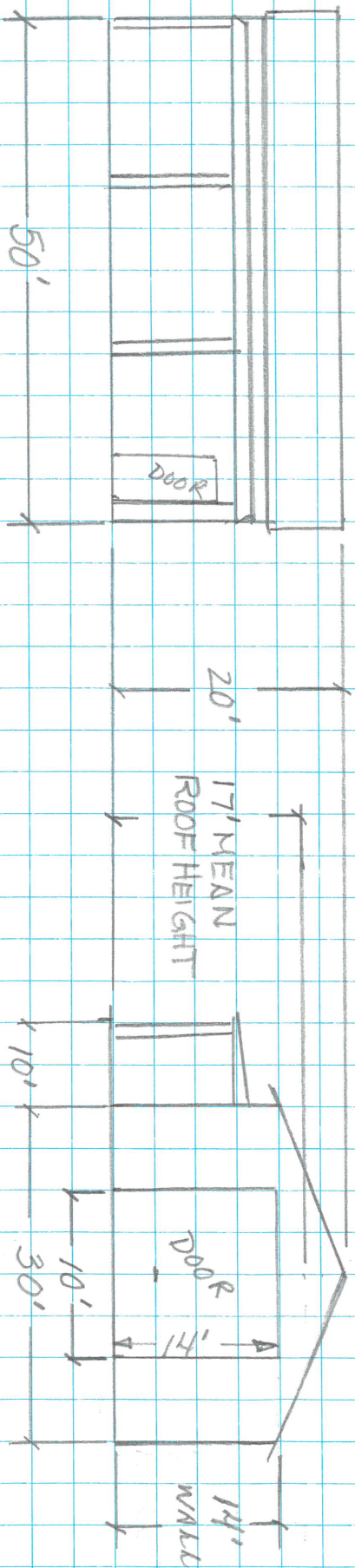
Sections 116-17D: Limitations on accessory uses in R Districts
Required: a private garage with vehicular entrance headroom shall not be more than 10 feet high.
Requested: 14' high garage door
Variance: 4'

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.

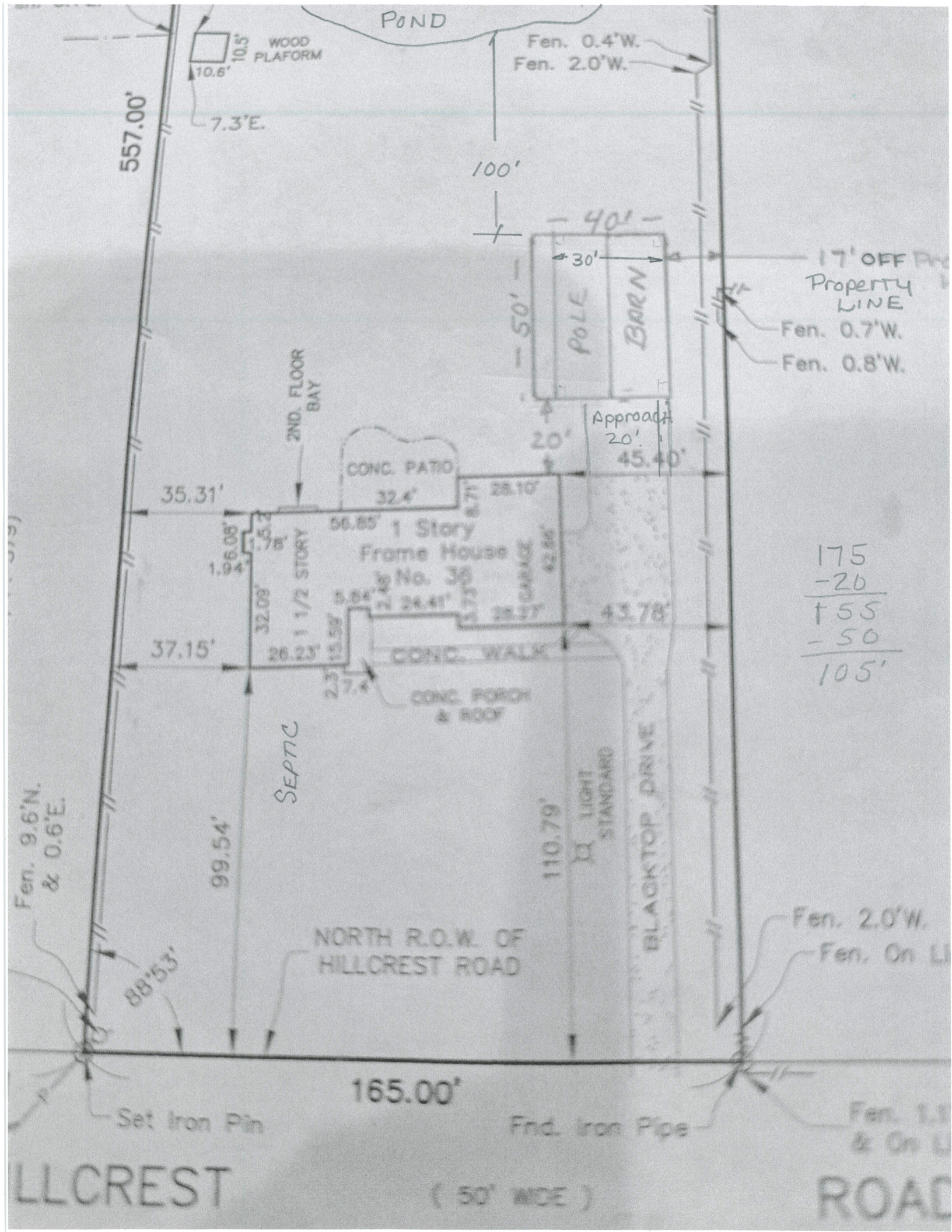
Sincerely,

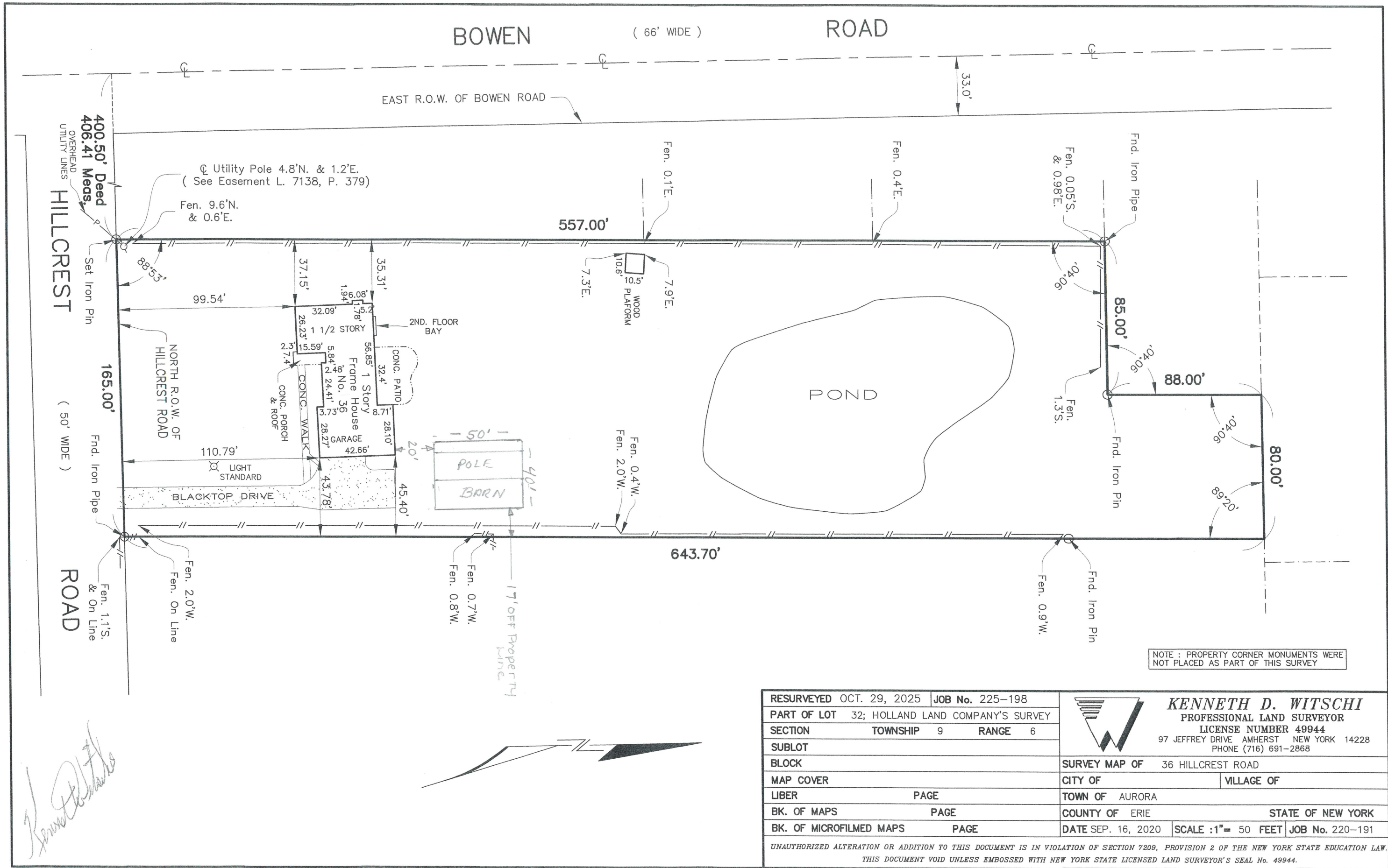
A handwritten signature in black ink, appearing to read "Richard Miga".

Richard Miga
Assistant Code Enforcement Officer



36 MILL CREST RD, POKE BARN, VARIANCE





RESURVEYED OCT. 29, 2025	JOB No. 225-198	 KENNETH D. WITSCHI PROFESSIONAL LAND SURVEYOR LICENSE NUMBER 49944 97 JEFFREY DRIVE AMHERST NEW YORK 14228 PHONE (716) 691-2868	
PART OF LOT 32; HOLLAND LAND COMPANY'S SURVEY			
SECTION	TOWNSHIP 9 RANGE 6		
SUBLOT			
BLOCK		SURVEY MAP OF 36 HILLCREST ROAD	
MAP COVER		CITY OF	VILLAGE OF
LIBER	PAGE	TOWN OF AURORA	
BK. OF MAPS	PAGE	COUNTY OF ERIE STATE OF NEW YORK	
BK. OF MICROFILMED MAPS	PAGE	DATE SEP. 16, 2020	SCALE :1"= 50 FEET JOB No. 220-191
UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS IN VIOLATION OF SECTION 7209, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW. THIS DOCUMENT VOID UNLESS EMBOSSED WITH NEW YORK STATE LICENSED LAND SURVEYOR'S SEAL No. 49944.			

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: POLE BARN			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action: BUILD A POLE BARN WITH A 17 FOOT METAL ROOF			
Name of Applicant or Sponsor: KEITH MCCOY		Telephone: 716-472-9141	
		E-Mail: Keith.mccoy64@gmail.com	
Address: 36 HILLCREST RD			
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: TOA Bldg Dept			☐ ☒
3. a. Total acreage of the site of the proposed action?		2.25 acres	
b. Total acreage to be physically disturbed?		.034 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		2.24 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: <u>1/1</u> _____	☒	☐	
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>Kenn McCoy</u> Date: <u>7/13/26</u> Signature: <u>[Signature]</u> Title: <u>OWNER</u>		



THIS INDENTURE

Made the 10th day of DECEMBER, 2025

**NORMA CARBECK, individually and as surviving spouse of
EDWARD G. CARBECK**

36 Hillcrest Road, East Aurora, NY 14052

Grantor, and

KEITH W. McCOY and DIANE L. McCOY, husband & wife
170 Central Avenue, Lancaster, NY 14086

Grantees.

WITNESSETH, that the said Grantor, in consideration of **ONE AND MORE** Dollars (\$1.00 & MORE) lawful money of the United States, paid by the Grantees, does hereby grant and release unto the Grantees, the heirs, successors and assigns of the Grantees, forever that parcel of land more particularly described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Aurora, County of Erie, and State of New York, being part of Lot No. 32, Township 9, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the north line of Hillcrest Road, 400.50 feet easterly from the point of intersection of said north line of Hillcrest Road with the center line of Bowen Road; **running thence northerly** 88° 53' with the said northerly line of Hillcrest Road, 557 feet to a point; **thence easterly** 90° 40' a distance of 85 feet to a point; **thence northerly** 90° 40', a distance of 88 feet to a point; **thence easterly** 90° 40', a distance of 80 feet to a point; **thence southerly** 89° 20', a distance of 643.7 feet to the north line of Hillcrest Road; **thence westerly** along the north line of Hillcrest Road 165 feet to the point or place of beginning.

COMMONLY KNOWN AS: 36 Hillcrest Road, East Aurora, NY 14052
BEING TAX PARCEL #: 164.11-2-28

SUBJECT TO easements, rights of way, restrictions, agreements and all other matters of records, and those state of facts shown in the survey provided to the purchaser.

TOGETHER with the appurtenances and all the estate and rights of the Grantor in and to the said premises.

TO HAVE AND TO HOLD, the above granted premises unto the said Grantees, their heirs, successors and assigns forever.

AND the said Grantor does covenant with said Grantees as follows:

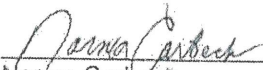
FIRST That the Grantees shall quietly enjoy the said premises.

SECOND That the Grantor will forever WARRANT the title to said premises.

THIRD Subject to the trust fund provisions of section thirteen of the lien law.

IN WITNESS WHEREOF, the said Grantor have hereunto set their hands and seals the day and year first above written.

IN PRESENCE OF:


Norma Carbeck

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On the 10th day of DECEMBER, 2025, before me, the undersigned, personally appeared **NORMA CARBECK**, personally known to me or proved 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

Debra J. Kerrison #01KE4767617
Notary Public, State of New York
Qualified in Niagara County
My Commission Expires 1/31/2027

ERIE COUNTY CLERK'S OFFICE



County Clerk's Recording Page

Return to:

KEITH W&DIANE L MCCOY
170 CENTRAL AVE
LANCASTER, NY 14086

Party 1:

CARBECK NORMA

Party 2:

MCCOY KEITH W

Book Type: D Book: 11455 Page: 5339

Page Count: 3

Doc Type: DEED

Rec Date: 01/06/2026

Rec Time: 11:23:10 AM

Control #: 2026001785

UserID: Lynn L

Trans #: 26002015

Document Sequence Number
TT2025010963

Recording Fees:

RECORDING	\$35.00
COE CO \$1 RET	\$1.00
COE STATE \$14.25 GEN	\$14.25
COE STATE \$4.75 RM	\$4.75
RP5217 CNTY \$9	\$9.00
RP5217 ST-RES \$116	\$116.00
TP584	\$10.00

Consideration Amount: 734900.00

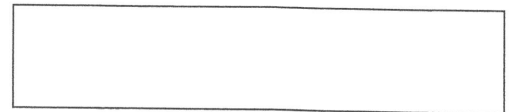
BASIC MT	\$0.00
SONYMA MT	\$0.00
ADDL MT/NFTA	\$0.00
SP MT/M-RAIL	\$0.00
NY STATE TT	\$2,940.00
ROAD FUND TT	\$0.00

Total: \$3,130.00

STATE OF NEW YORK
ERIE COUNTY CLERK'S OFFICE

WARNING – THIS SHEET CONSTITUTES THE CLERK'S ENDORSEMENT REQUIRED BY SECTION 319&316-a (5) OF THE REAL PROPERTY LAW OF THE STATE OF NEW YORK. DO NOT DETACH. THIS IS NOT A BILL.

Michael P. Kearns
Erie County Clerk



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EDWARD G, CARBECK**

36 Hillcrest Road, East Aurora, NY 14052

Grantor, and

R&R

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001785
SR
DEED-2
AUR

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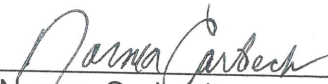
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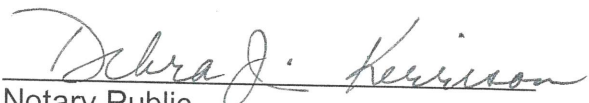
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Norma Carbeck

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COUNTY OF ERIE) ss:

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Notary Public

Debra J. Kerrison #01KE4767617
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