

ZBA #1532
2/19/26

TOWN OF AURORA ZONING BOARD OF APPEALS MINUTES

CASE #1532 – 1234 CENTER ST, EAST AURORA, NY THOMAS KOTARSKI

The hearing was called to order by Chair Paul Ernst with the following Board members present:

Nancy Burkhardt
Mandy Carl
Rod Simeone
Stephanie Morgan, Alternate

Others Present: Elizabeth Cassidy, Code Enforcement Officer (CEO)
Joseph McCann, Town Councilmember
Brad Felton, Zoning Board of Appeals Alternate
David Murray, future Zoning Board of Appeals member

The notice of Public Hearing was read by the CEO. The following Exhibits have been entered as part of the official record:

- Exhibit 1 – Affidavit of Publication
- Exhibit 2 – Affidavit of Posting
- Exhibit 3 – Affidavit of Mailing
- Exhibit 4 – Zoning Board of Appeals Application and Petitioner's letter of intent
- Exhibit 5 – CEO denial letter
- Exhibit 6 – Additional Petitioner appeal letter dated 10/15/25
- Exhibit 7 – Additional Petitioner appeal letter dated 11/17/25
- Exhibit 8 – Letter from Kristin D. McKenzie, DNP, PM HMP-BC
- Exhibit 9 – Survey
- Exhibit 10 – Deed
- Exhibit 11 – Short Environmental Assessment Form

The Chair opened the hearing at 7:00pm and stated the purpose and procedures of the hearing and the ZBA deliberation following the hearing to render a decision on the request for 5 additional chickens and 1 additional goat to be kept at 1234 Center St, East Aurora. This is a Type II Action for purposes of SEQRA.

Kotarski Tom Kotarski 1234 Center St. We have an additional goat and 5 additional chickens. I understand that my property is two different zones and moving the enclosure back to the appropriate zone will put them in the appropriate zone, so I am asking that the application be tabled until better weather so I can move the structure.

Ernst We can table it for a short term, if you can come back in a month with drawings to show where it will be placed.

Kotarski I can do that. It won't be moved until the weather improves.

Ernst We can give a timeframe to get it moved by.

CEO Cassidy Confirmed.

Ernst What would be the timeframe if the location is approved. We know the weather is a challenge right now.

Kotarski When things dry up so it can be moved. Definitely by June. I just need some time because right now it's a swamp back there.

Burkhardt For measuring back 300' to the appropriate zone, is that something the Building Department can do or should he get a surveyor to measure 300' to make sure he is in the appropriate area.

CEO Cassidy Do you know where the pins are on the back corners of your property?

Kotarski I don't. I know that there was a pin in the center of the street at my old house in Lancaster but I'm not sure where they are.

CEO Cassidy If you were to measure from the centerline of Center St you would be measuring 333' and you would be able to place the building behind that line. You can fence in any other area but the actual building have to be behind that line.

Kotarski Ok, I would probably go back an additional 15'. I was already looking at buying a measuring wheel and measuring from the center of the street. If I measure from the center of the street 345' then I should be ok.

CEO Cassidy That would be ok.

Ernst Would you be moving both of the sheds for the chickens, or just one.

Kotarski It would be moving one and I would be keeping 6 chickens where they are.

Ernst 6 chickens in the RR.

Kotarski Yes.

Morgan There is a rooster there?

Kotarski Yes, he will move to the back.

Ernst Reconfirmed the rooster will go to the back.

Carl He is asking for 17 chickens in total, I see the rule is 6 chickens/acre. Does this apply regardless of the Agriculture district?

CEO Cassidy Agricultural districts don't limit the number or type of animal.

Carl So the number would be unlimited if he put it back.

CEO Cassidy Correct

Burkhardt Just to clarify for myself and the record only the goat and goat enclosure will move to the Agriculture district. And then the plan is to continue with 6 chickens and not proceed with getting the additional chickens.

Ernst No, he will be moving the additional chickens back too.

Kotarski And the rooster moves too.

Carl You will continue to house 6 hens in the smaller structure and put the rooster and remaining chickens into the Agricultural district.

Kotarski I will.

Ernst If we table it, we request you come back next month with a sketch showing the new location and if we approve it then we could put a timeline on when to move it.

Kotarski Agreed.

Simeone The structure on the left, as you face your house, we'll call it the chicken coop. You will retain 6 hens in that building/coop and not move it?

Kotarski Correct.

Simeone Ok. The other one, we'll call it the goat house, will be 300+' back and you'll have the goats and remaining chickens and the rooster.

Kotarski Correct

Simeone If he does that then the request for a variance goes away, is that correct?

CEO Cassidy Correct.

Simeone That sounds reasonable. If you come back with a drawing next month, we can set a timeline and if it's carried out then there will be no decision needed from this board.

Ernst Just to be clear, you have a 33' right-of-way from the centerline of the road to your property line and the 300' is beyond that point. In case you're trying to pace that off.

Kotarski Right. That's why if I go back 345' then that should be a safe distance.

Ernst Opened the hearing to public, if anyone would like to speak on this Case.

Hearing no one, Chair Ernst closed the public hearing.

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THOMAS KOTARSKI**

Discussion:

Ernst I think we have come to the conclusion to come back next month with a new sketch.

Decision:

After due deliberation by the member of the Zoning Board of Appeals, the following motion was made by Stephanie Morgan and seconded by Nancy Burkhardt to table Case # 1532 until next month to allow the petitioner to provide a drawing showing the new location of the goat and chicken shed at 1234 Center St, East Aurora.

Upon a vote being taken:

Ernst	Aye
Burkhardt	Aye
Carl	Aye
Simeone	Aye
Morgan	Aye

Ayes - 5

Nays - 0

Motion carried.