



CASE NO. 1547

DATE OF HEARING 7/16/26

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 Allison Cullens and Canessa Fernucci
Address 130 Culver Road
City Buffalo State NY ZIP 14220
Phone 716-343-0280 Fax _____ Email Fernucci7@gmail.com
Interest in the property (ex: owner/purchaser/developer) owners

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

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

III. PROPERTY INFORMATION

Property Address 1160 Underhill Rd
SBL# 188.06-1-6.34
Property size in acres 2.68 Property Frontage in feet 177' Underhill, 557' Blakely
Zoning District rural residential Surrounding Zoning R1/A1/R1
Current Use of Property vacant land

IV. REQUEST DETAIL

(check all that apply)

☒ Variance from Ordinance Section(s) # 116-8.4
☐ Special Use Permit for: _____
☒ Use Variance for: in-law suite
☐ 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]
Signature of Applicant/Petitioner

Carissa Ferrucci / Allison Cullens
Print name of Applicant/Petitioner

State of New York; County of Erie

On the 26th day of May 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.

[Signature]
Notary Public

(Notary stamp)

PAUL S. WALIER, ESQ.
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02WA5088575
Qualified in Erie County
Commission Expires November 28, 2029

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)

We are requesting a variance because the natural elevations and grade of the property make the proposed home design the most practical and reasonable option for the site. Due to the existing topography, the home is designed to have a walk out basement that works with the elevation changes of the lot rather than requiring excessive grading or alterations to the property. This allows for us to have a backyard, rather than a sideyard.

The reason for the use variance is to include an in-law suite. The home is a single family home and that is its intended use. The purpose of the in-law suite is to care for family, if needed, when the time arises.

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: After having the property evaluated by a professional contractor, it was recommended the home face Underhill Rd. The changes in elevation + grade conditions of the property are necessary for home design and placement to accommodate proper drainage + walk out basement. The elevation profile of the lot limits the feasible building options.

- 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: Granting the requested use variance will not alter the essential character of the neighborhood because the proposed use will remain residential in nature and will be consistent with the surrounding properties.

- 4) Is your need for a use variance a result of your own actions (is your difficulty self-created)? Please explain: The reason for the use variance is for the home to include an in-law suite. The intended use is for a single family home and the purpose of the suite is solely to care for family if needed, when the time arises.
(Attach additional pages if needed)

Assisted Dwelling Units ("ADU") are in the new comprehensive plan.

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:

1160 Underhill Rd East Aurora NY 14052 identified as Tax Map (SBL)# 188.00-1-634
(address)

hereby authorizes 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.

Carissa Ferrucci / Allison Cullens
Owner (print)

05/20/2026
Date

[Signature]
Owner (signature)

STATE OF NEW YORK)
SS
COUNTY OF ERIE)

On this 20 day of May, 2026, before me, the undersigned, a notary public in and for said state,
personally appeared Allison Cullens Carissa Ferrucci, 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.

[Signature]
Notary Public

PAUL S. WALIER, ESQ.
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02WA5088575
Qualified in Erie County
Commission Expires November 28, 2029

SUPERVISOR
Charles D. Snyder
(716) 652-7590
csnyder@townofaurorany.gov



TOWN CLERK
Jeanne H. Viger
(716) 652-3280
townclerk@townofaurorany.gov

TOWN OF AURORA

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

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Jeffrey P. Markello
James Granville

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Robert L. Goller
(716) 652-7944
historian@townofaurorany.gov

FAX: (716) 652-3507

Allison Cullens & Carissa Ferrucci
130 Culver Rd
Buffalo, NY 14220

June 23, 2026

RE: V/L Underhill Rd SBL: 188.00-1-6.34

Ms. Cullens & Ms. Ferrucci,

The Building Department has reviewed your request to construct a residence on Underhill Rd, SBL: 188.00-1-6.34. The request has been denied because it fails to meet the requirement for the side yard setback in the Rural Residence (RR) Zoning District in which it is located. The proposed in-law apartment is not an allowed use in the RR Zoning District and use variance is required.

The primary street is Underhill Rd, and the proposed residence meets the front yard setback requirement on Underhill Rd. Town Code Section 116-8.4F(3) allows for the secondary street, in this case Blakeley Rd, to have a 45' front yard setback and the proposed residence meets this requirement also.

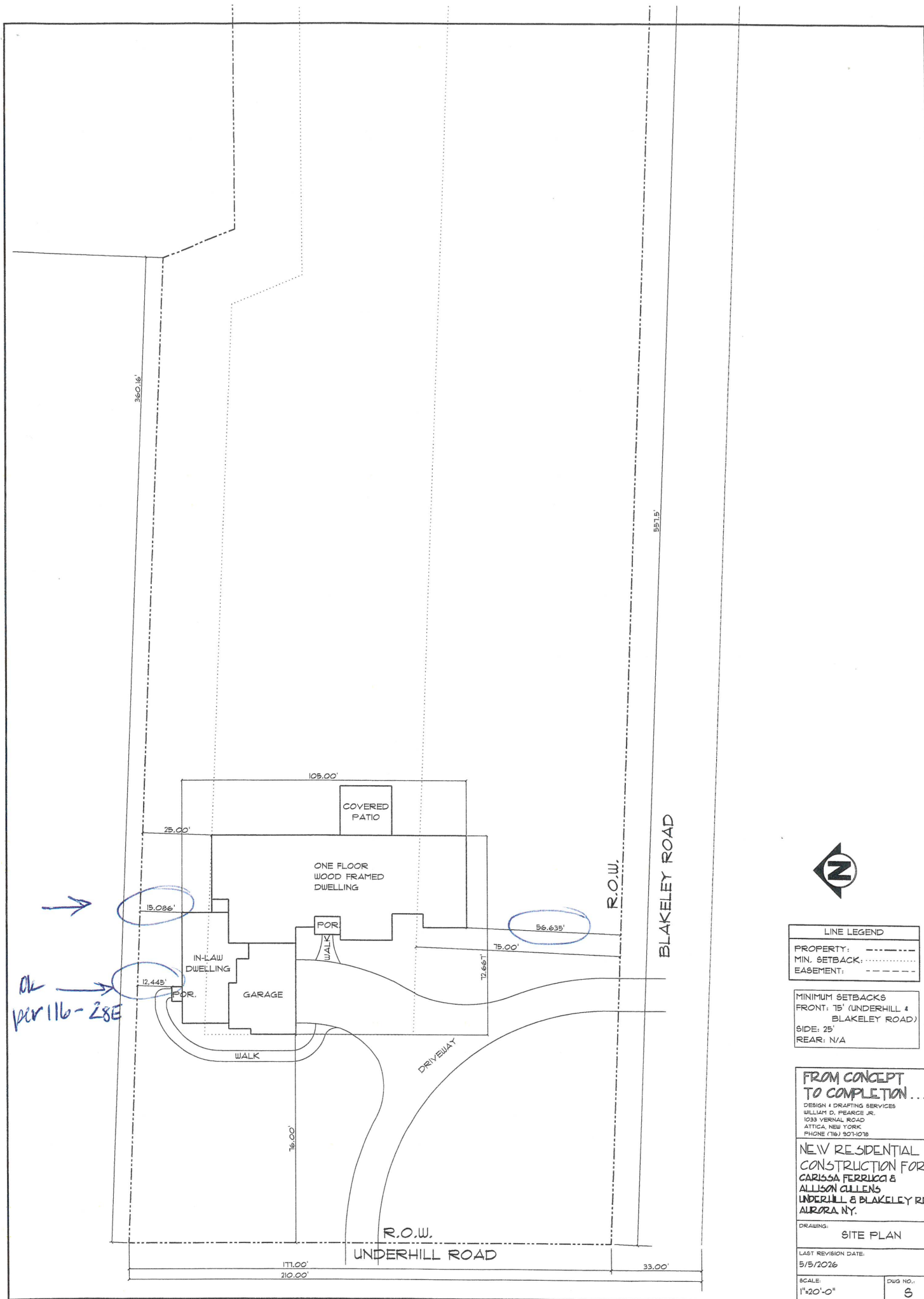
Section 116-8.4G(1)
Requirement: A side yard setback for a principal building a minimum of 20'.
Requested: Side yard setback of 15.086'
Variance: 4.914'

The unenclosed side porch meets the requirements of Town Code Section 116-28E provided the above variance is approved and the porch remains unenclosed.

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,


Elizabeth Cassidy
Code Enforcement Officer



LINE LEGEND	
PROPERTY:	---
MIN. SETBACK:	
EASEMENT:	----

MINIMUM SETBACKS	
FRONT:	75' (UNDERHILL & BLAKELEY ROAD)
SIDE:	25'
REAR:	N/A

FROM CONCEPT TO COMPLETION...
DESIGN & DRAFTING SERVICES
WILLIAM D. PEARCE JR.
1033 VERNAL ROAD
ATTICA, NEW YORK
PHONE (716) 307-1078

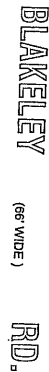
NEW RESIDENTIAL CONSTRUCTION FOR:
CARISSA FERRUGA &
ALLISON CILLEN
UNDERHILL & BLAKELEY RD.
AURORA, NY.

DRAWING: **SITE PLAN**

LAST REVISION DATE:
5/5/2026

SCALE: 1"=20'-0"
DWG NO.: 5

(66' WIDE



**NOTE: THIS SURVEY MAP IS VALID ONLY FOR THE DATED INTENT.
MAY BE NOT VALID AND VOIDS ALL LIABILITY WITH UNAUTHORIZED REPRODUCTION.
AT ALBATON AND/OR ADDITION TO THIS SURVEY MAP, IT IS A VIOLATION OF SECTION
7206, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.**

Over 100 years of Records

LANDMARK
LAND SURVEYING CO.TM

Erle County (716) 854-6338 **> Fax (716) 731-4499**

PART OF LOT - 12 TOWNSHIP -

SBL # 188.00-1-6.34

JOB # 2250210

DATE: 6/12/2025

SCALE 1" = 120'

JOB # 2250210

DATE: 6/12/2025

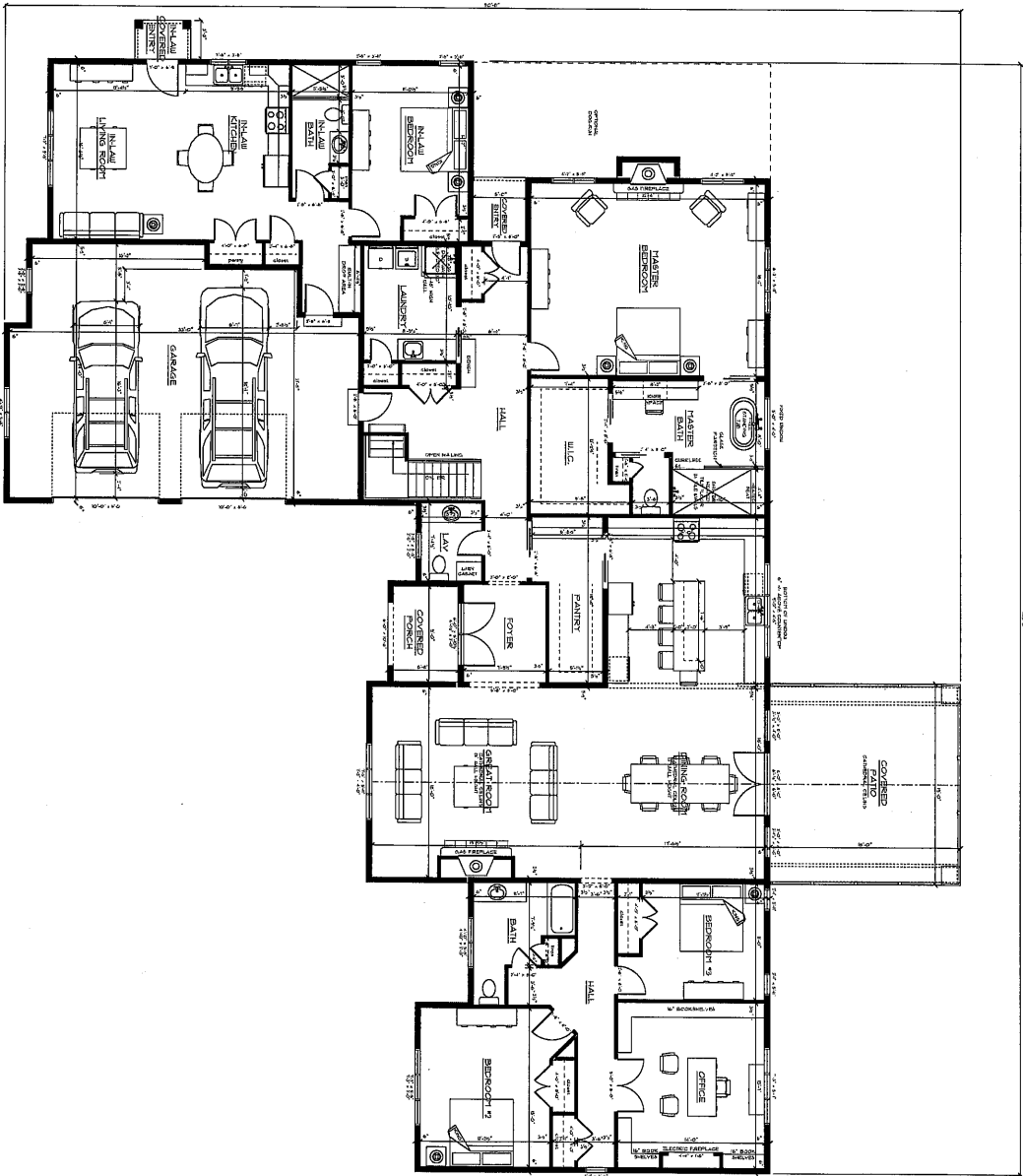












**FROM CONCEPT
TO COMPLETION...**

DESIGN / CONSULTING SERVICES
3031 VENTURE DRIVE, SUITE 200
FARMINGTON, CT 06030
PHONE: 860.634.1234

CONSTRUCTION & INTERIOR DESIGN
1000 ROUTE 1, SUITE 100
FARMINGTON, CT 06030
PHONE: 860.634.1234

**NEW RESIDENTIAL
CONSTRUCTION FOR:
AUSON FERRARO &
AUSON ALLEN
INTERIOR & BLAKEY RD
MIDDLETOWN, CT**

DESIGN: FLOOR PLAN

DATE: 10/1/11

SCALE: 1/8" = 1'-0"

1 OF 1

PROJECT: 3031 VENTURE DRIVE, SUITE 200, FARMINGTON, CT 06030

Short Environmental Assessment Form

Part 1 - Project Information

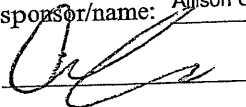
Instructions for Completing

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			
Allison Cullens and Carissa Ferrucci			
Name of Action or Project: Underhill and Blakley			
Project Location (describe, and attach a location map): 1160 Underhill Road, East Aurora, NY 14052			
Brief Description of Proposed Action: We are requesting the variance because the natural elevations and grade of the property make the proposed home design the most practical and reasonable option for the site. Due to the existing topography, the home is being designed with a walk out basement that works with the elevation changes of the lot rather than requiring excessive grading or alterations of the property. This allows for us to have a backyard, rather than a side yard that works well with our home design. The reason for the use variance is for the home to include an in-law suite. The home is a single family home and that is its intended use. The purpose of the in-law suite is solely to care for family, if needed, when the time arises. Assisted Dwelling Units ("ADU") are in the new comprehensive plan.			
Name of Applicant or Sponsor: Carissa Ferrucci, Allison Cullens		Telephone: 716-343-0280 E-Mail: ferruccic1@gmail.com	
Address: 130 Culver Road			
City/PO: Buffalo	State: NY	Zip Code: 14220	
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 ☒
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:			YES ☐
3. a. Total acreage of the site of the proposed action? _____ 2.68 acres b. Total acreage to be physically disturbed? _____ 0.7 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 2.68 acres			YES ☐
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: _____ Septic system _____	☒	☐	
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: Allison Cullens, Carissa Ferrucci Date: 05/20/2026 Signature:  Title: Owners		

COPY

This IndentureMade the 9th day of September, Two Thousand and Twenty-Five**Between****Grantors:** **John C. Radford and Emilee Radford F/K/A Emilee Morlock**
With an address of 1150 Underhill Road, East Aurora, New York 14052

and

Grantee: **Allison R. Cullens and Carissa Ferrucci, Tenants by the Entirety**
With an address of 130 Culver Road, Lower, Buffalo, New York 14052

Witnesseth that the Grantors in consideration of one and more Dollar(s) (\$1.00 & More) lawful money of the United States, paid by the Grantee does hereby grant and release unto the Grantee and her heirs and assigns forever,

All That Tract or Parcel of Land, hereby conveyed is described as **Schedule "A"**, which is attached hereto and made a part hereof.

Together with the appurtenances and all the estate and rights of the Grantors in and to the said premises.

To have and to hold, the above granted premises unto to the said Grantee, her heirs, and assigns forever.

And the said Grantors do covenant with the said Grantee as follows:

First. – That the Grantee shall quietly enjoy the said premises.

Second. – That the Grantors will forever WARRANT the title to said premises.

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

This conveyance will not render the Grantors insolvent nor is made to defraud creditors.

DEED RESTRICTIONS:

THE GRANTEE ACKNOWLEDGES AND ACCEPTS THAT THE SUBJECT LOT CONVEYED HEREIN SHALL BE SUBJECT TO THE FOLLOWING RESTRICTIONS:

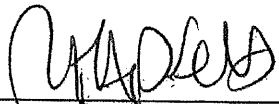
FOR A TEN (10) YEAR PERIOD EFFECTIVE FROM THE DATE OF THE FILING OF THIS DEED THERE SHALL BE NO CONSTRUCTION OR PLACEMENT OF BARNDOMINIUM RESIDENCES, MODULAR HOMES, SINGLE-FAMILY RANCH-STYLE HOMES SMALLER THAN SIXTEEN HUNDRED (1,600) SQUARE FEET OR SINGLE-FAMILY COLONIAL-STYLE HOMES SMALLER THAN TWO THOUSAND (2,000) SQUARE FEET EXCLUDING GARAGES OR OUT BUILDINGS.

The terms "Grantor" and "Grantee" shall be read as "Grantors" and "Grantees" whenever the sense of this deed so requires.

In Witness Whereof, the said Grantors have set their hand and seals the day and year first above written.

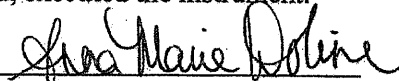
[BALANCE OF PAGE LEFT BLANK INTENTIONALLY,
SIGNATURE PAGES TO FOLLOW]

In Presence of:


_____[L.S.]
John C. Radford

State of New York)
County of Erie) ss.

On the 9th day of September in the year 2025, before me, the undersigned, personally appeared **John C. Radford**, personally known to me or proved 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 executed same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Notary Public

ANNA MARIA DOLINA
NOTARY PUBLIC STATE OF NEW YORK
ERIE COUNTY
LIC. #01DQ0025397
COMM. EXP. 05/31/2028

In Presence of:

Emilee Radford [L.S.]
Emilee Radford F/K/A Emilee Morlock

State of FLORIDA)
County of Pinellas) ss.

On the 06 day of October in the year 2025, before me, the undersigned, personally appeared Emilee Radford F/K/A Emilee Morlock, personally known to me or proved 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 executed same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Angela Gentile-Smith
Notary Public



SCHEDULE A
LEGAL DESCRIPTION

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. 12, Township 9, Range 6 of the Holland Land Company's Survey, described as follows:

BEGINNING at a point in the center line of Blakeley Road, at its intersection with the center line of Underhill Road, said point being the southwest corner of Lot No. 12; thence south $87^{\circ} 49' 00''$ east along the south line of Lot No. 12 (being also the center line of Blakeley Road), a distance of 590.50 feet to a point; thence north $00^{\circ} 00' 00''$ east and parallel with the west line of Lot No. 12, a distance of 160.54 feet to a point; thence north $81^{\circ} 00' 00''$ west, a distance of 192.89 feet to a point; thence north $14^{\circ} 00' 00''$ west, a distance of 27.62 feet to a point; thence north $87^{\circ} 49' 00''$ west and parallel with the south line of Lot No. 12, a distance of 393.16 feet to a point in the west line of Lot No. 12; thence south $00^{\circ} 00' 00''$ west along the west line of Lot No. 12 (being also the center line of Underhill Road), 210.00 feet to the point of beginning.

Premises commonly known as Vacant land on Underhill Road, Aurora, NY