



CASE NO. _____

DATE OF HEARING _____

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 Mark Gemerek
Address 1865 Reading Road
City West Falls State NY ZIP 14170
Phone 716-861-3250 Fax NA Email mgemerek@incnursing.com
Interest in the property (ex: owner/purchaser/developer) _____

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

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

III. PROPERTY INFORMATION

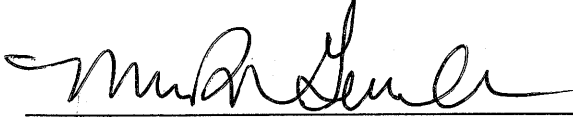
Property Address 1865 Reading Rd West Falls NY 14170
SBL# 199.00-3-36
Property size in acres 1.33 Property Frontage in feet 165'
Zoning District RR/A Surrounding Zoning RR/A
Current Use of Property Residential

IV. REQUEST DETAIL

(check all that apply)

☒ Variance from Ordinance Section(s) # 116-B.4C(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)



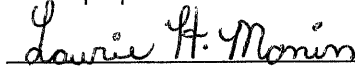
Signature of Applicant/Petitioner

Mark R Gemerek

Print name of Applicant/Petitioner

State of New York; County of Erie

On the 2 day of March in the year 2026, 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

(Notary stamp)

LAURIE H. MONIN
Notary Public, State of New York
Registration No. 01MO6304887
Qualified in Erie County
Commission Expires June 02, 2026

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)

Storage building is being built to store lawn mower and garden supplies. The upstairs will be used strictly for storing garden supplies such as pots and misc garden items

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)

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:

1865 Reading Rd. W. Falls NY 14170, identified as Tax Map (SBL)#.....
(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.

Mark R Gemerek
Owner (print)

3/2/2026
Date

[Signature]
Owner (signature)

STATE OF NEW YORK)
COUNTY OF ERIE)

On this 2nd day of March, 2026, before me, the undersigned, a notary public in and for said state,
personally appeared Mark R Gemerek, 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.

Laurie H. Monin
Notary Public

LAURIE H. MONIN
Notary Public, State of New York
Registration No. 01MO0304887
Qualified in Erie County
Commission Expires June 02, 2026

LAURIE H. MONIN
Notary Public, State of New York
Registration No. 01MO0304887
Qualified in Erie County
Commission Expires June 02, 2026

Due 3/9/26 for 4/16 meeting



ZONING BOARD OF APPEALS APPLICATION FORM AND INSTRUCTIONS

Please Read Carefully

The Zoning Board of Appeals (ZBA) has the power to issue interpretations of the Zoning Ordinance and to grant area variances, use variances and use permits.

Application requirements:

1. Prior to seeking a variance from the ZBA, the Applicant/Property Owner must receive a denial from the Building Department for a building permit, a decision from the Code Enforcement Officer, or a referral from the Planning Board or Town Board.
2. Completed applications must be submitted *by the second Monday of the month prior* to the next scheduled meeting of the ZBA. The ZBA meets the third Thursday of each month.
3. All applications must be accompanied by the proper application fee. ZBA application fee is \$100.00. Checks made payable to Town of Aurora.
4. If the applicant/petitioner is not the property owner, an owner authorization form must be submitted.
5. Submit one (1) original and ten (10) copies of the following information:
 1. ZBA application with all questions answered.
 2. Petitioner's letter of intent.
 3. Sketch, drawing, plan or brochure showing all dimensions of the structure that requires a variance and any other information as may be necessary (ex: photos of the property).
 4. Survey prepared by a licensed surveyor, licensed architect or professional engineer showing the property involved and the location of all existing structures and proposed structures. All setback measurements must be shown on the survey.
 5. A site plan showing the proposed structure and all dimensioning including distance from property lines and roadways, driveways, wells, septic, drainage ditches and any other features relevant to the variance being requested.
 6. Copy of property deed.
 7. Short Environmental Assessment Form (SEQRA) – Part I completed by applicant.

Incomplete applications will not be accepted for review.

Attendance at the Hearing:

The property owner, applicant, owner/applicant's attorney, engineer and/or architect or a duly authorized person must attend the public hearing.

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.gov

TOWN COUNCIL MEMBERS

March 5th, 2026

Luke Wochensky
lwochensky@townofaurora.com

Mark Gemerek
1865 Reading Road
West Falls, NY 14170

Joseph M. McCann
jmccann@townofaurora.com

Raymond M. Wrazen
rwrazen@townofaurora.com

Mark,

The Building Department has reviewed your request for a two-story accessory structure (shed) to at 1865 Reading Road. The request has been denied because it fails to meet the requirement for building height of an accessory structure in the Rural Residential (RR) zoning district in which the accessory structure (shed) is located.

SUPT. OF HIGHWAYS

David M. Gunner
(716) 652-4050
highway@townofaurora.com

CODE ENFORCEMENT OFFICER

Elizabeth Cassidy
(716) 652-7591
building@townofaurora.com

Sections 116-8.4C(2)

Required: For accessory buildings/structures: One story not to exceed 15 feet.

Requested: Two-story accessory structure

Variance: One (1) additional story

ASSESSOR

Stephen R. Pigeon
assessor@townofaurora.com
(716) 652-0011

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.

DIR. OF RECREATION

Christopher Musshafen
(716) 652-8866
chris@townofaurora.com

Sincerely,

TOWN ATTORNEY

Brigid M. Maloney

Richard Miga

Assistant Code Enforcement Officer

TOWN JUSTICE

Jeffrey P. Markello
James Granville

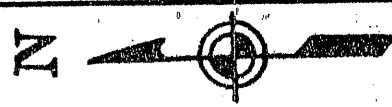
HISTORIAN

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

FAX: (716) 652-3507

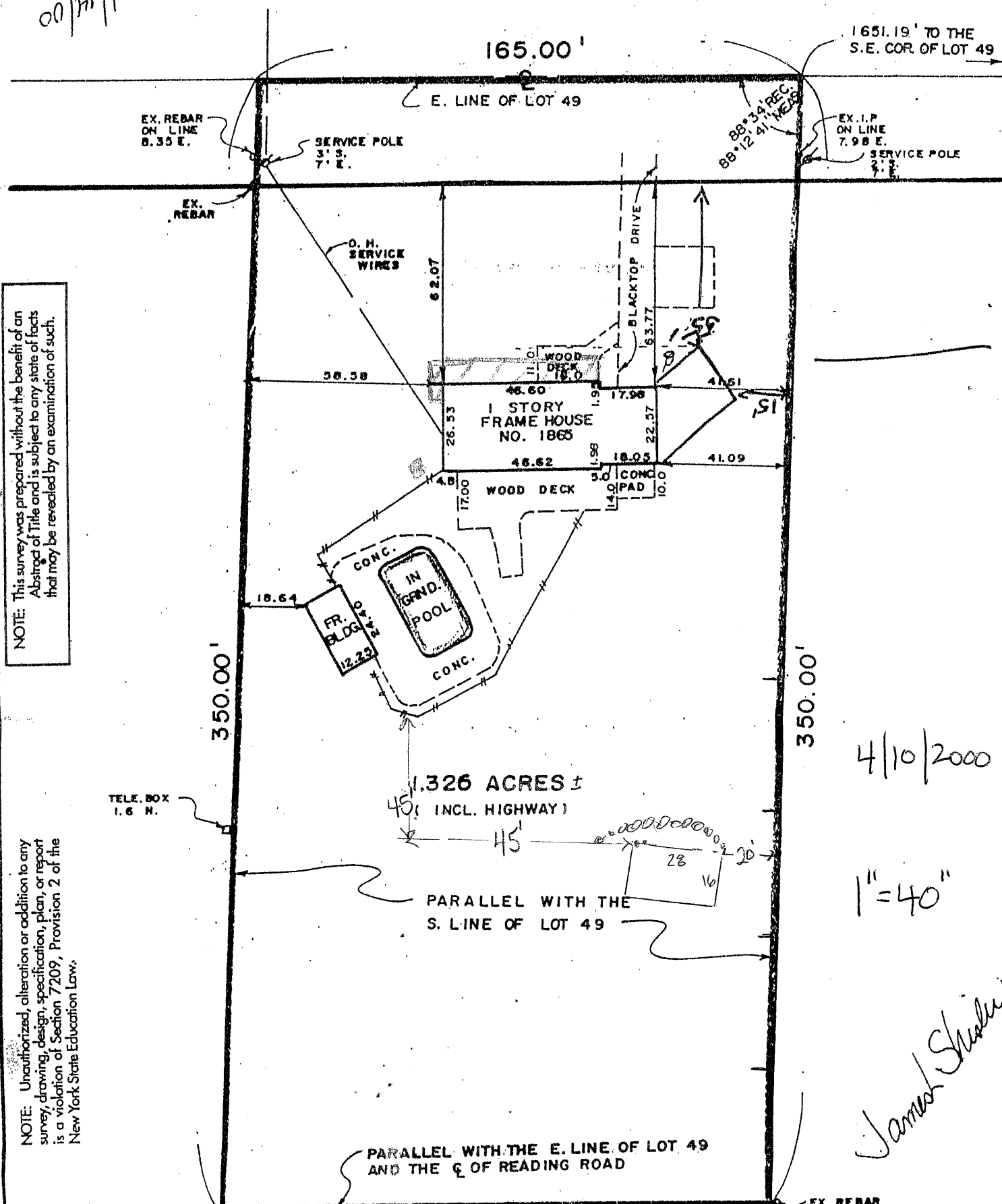
*This institution is an
equal opportunity
provider and employer.*

1865
 m. *Alford*
 DEPT. OF BLDGS.
 TOWN OF AURORA
 4/14/00



READING ROAD (66' WIDE)

160



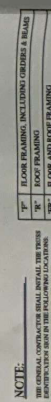
NOTE: This survey was prepared without the benefit of an Abstract of Title and is subject to any state of facts that may be revealed by an examination of such.

NOTE: Unauthorized, alteration or addition to any survey, drawing, design, specification, plan, or report is a violation of Section 7209, Provision 2 of the New York State Education Law.

4/10/2000

1"=40'

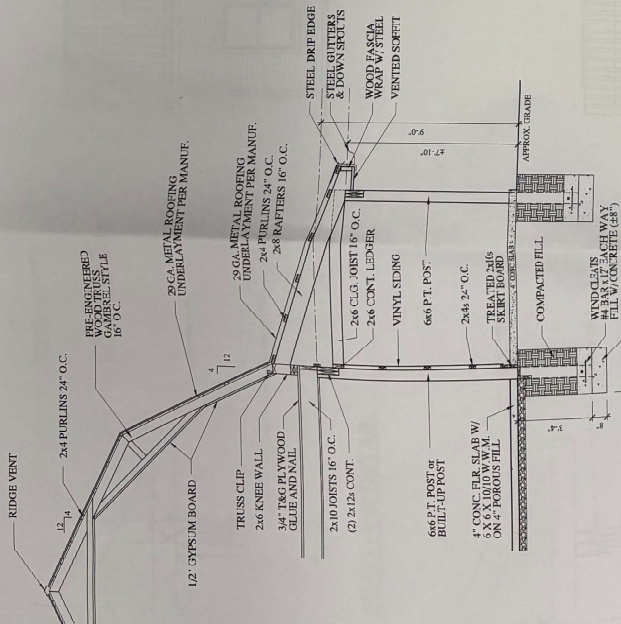
James Shuler



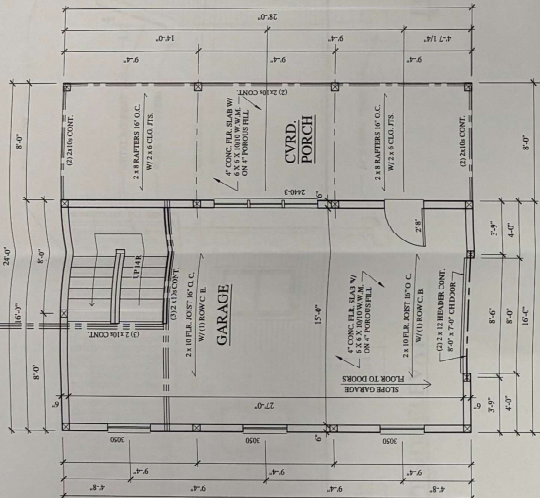
TRUSS ID SIGN

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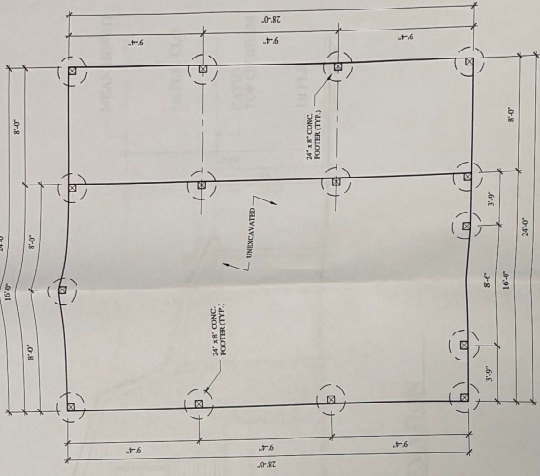
SCALE: 1/8"=1'-0"



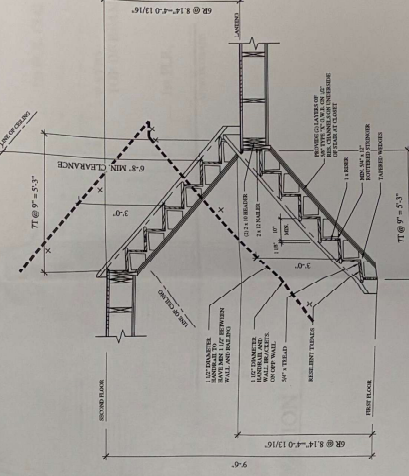
SCALE: 1/4"=1'-0"



SCALE: 1/4"=1'-0"



M.C.S.



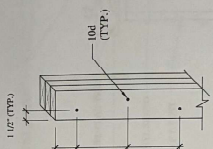
1. *Journal of the American Medical Association*, 1997; 278: 1039-1044.

- SECTION OF STAIRWAY RAMP HEIGHTS SHALL BE
 203 RENTS RESIDENTIAL LOC OF NY ST/AT 57' AT 57' 0" MEET THE
 203 RENTS RESIDENTIAL LOC OF NY ST/AT 57' 0" MEET THE
 ALL CONSTRUCTION OF FLOOR, SILL, AND TYPED HEIGHTS SHALL MEET THE
 203 RENTS RESIDENTIAL LOC OF NY ST/AT 57' 0" MEET THE
 ALL CONSTRUCTION OF FLOOR, SILL, AND TYPED HEIGHTS SHALL MEET THE
 203 RENTS RESIDENTIAL LOC OF NY ST/AT 57' 0" MEET THE
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 203 RENTS RESIDENTIAL LOC OF NY ST/AT 57' 0" MEET THE
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 203 RENTS RESIDENTIAL LOC OF NY ST/AT 57' 0" MEET THE
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 REFLECT THE EXACT LAI OF THE STAIR.

TABLE 1. LOADS FOR HO

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GAUGE	VAL	UNIT

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CONCRETE QUALITY, DESIGN, AND CONSTRUCTION

A DESIGN OF MEMBERS - CONCRETE DESIGNED IN ACCORDANCE WITH ACI 308 (LATEST EDITION) TO ATTAIN FOLLOWING PROPERTIES OF STRENGTH, SLUMP, AND ENHANCED AIR CONTENT, WATER/CEMENT, AND SUBMITTED TO ARCHITECT FOR APPROVAL. ALL CONCRETE TO BE A MINIMUM 5.5 MPA.

TEST	CLASS	28 DAY PSI	JOIST SIZE	AIR	SLUMP	W/C RATIO

- [illegible]

WHERE REQUIRED, LAMINATED VENEER LUMBER MAY BE USED PER ENGINEERING STRUCTURAL STEEL - A.S.T.M. A 36

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: 1865 Reading Road West Falls NY 14170			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action: Detached storage building			
Name of Applicant or Sponsor: Mark R Gemenek		Telephone: 716-861-3250	
		E-Mail:	
Address: 1865 Reading Rd			
City/PO: West Falls		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?		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:		☒	☐
3. a. Total acreage of the site of the proposed action?		.01 acres	
b. Total acreage to be physically disturbed?		.01 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.33 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, 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>Mark R Gemenek</u> Date: <u>3/2/2026</u> Signature: <u>[Signature]</u> Title: <u>owner</u>		