

NOTICE OF APPEAL UNDER VILLAGE OF AURORA LOCAL LAW #3-2019

(Office use only)

TO THE ZONING BOARD OF APPEALS
AURORA, NEW YORK

Permit Application No. #24-21

Appeal No.

Date: Sept.05.2024

Name of appellant: Albert J. (Jeff) & Jerelyn Martin

Legal Address: 46 Sherwood Road, Aurora, NY 13026-9791

I (we) hereby appeal to the Zoning Board of Appeals from the decision of the Zoning Officer

for Permit Application Number #24-21 and request a:

- use variance
- Interpretation
- area variance
- Other

Property Address: 46 Sherwood Road, Aurora, NY 13026-9791

Tax Parcel No. 182.09-1-15

1. Please state reasons for Appeal, citing the provision of law at issue, and attach any supporting documents, including (for area variances) plans drawn to scale and accurately dimensioned, and a copy of a survey map bearing the signature and stamp of a surveyor licensed in NYS.

Oct/17/2022, visit from Daniel Green, active Code Enforcement Officer for the Village of Aurora, advised me that the neighbor, Mr. Losurdo, had issue with the tool storage container, Mr. Losurdo was advised; "Guidance with regard to Village of Aurora, Local Law #2, Section 4, Building Permits, (b) Exemptions...(1) construction of installation of one-story detached structures associated with one or two-family dwellings or multiple single-family dwellings (townhouses), which are used for tool and storage sheds, playhouses, or similar uses, provided the gross floor area does not exceed 144 square feet." See Permit Application No. #24-21 for supporting documentation. Continued on Page 3.

2. List the names and addresses of all adjoining owners, including those across roads from the subject property.

See Permit Application No. #24-21 for supporting information.

3. Has there been a previous appeal with respect to this decision or this property? Yes / No

If yes, provide date (s) _____ and determination(s): Approved / Denied

4. Requests for variances must be accompanied by Part I of an Environmental Assessment Form (short form for area variances, full form for use variances) for SEQ, completed by the applicant.

5. **The undersigned agrees to pay the cost of advertising for a public hearing, mailing notices to adjoining property owners, and any other associated expenses billed by the Village of Aurora, including professional consulting fees in accordance with Local Law #3 of 2012.**

6. SECTION 809 CERTIFICATION. In accordance with Section 809 of the General Municipal Law of the State of New York, the undersigned certifies in submitting this application that no officer or employee of the State of New York or the County of Cayuga or Village of Aurora is interested in granting said application, and

It is understood that:

- (1) A person is "interested" in such an application when [he/she] or [his/her] spouse or [his/her] brothers, sisters, parents, children, grandchildren or spouse of any of them
- (a) is the applicant, or
 - (b) is an officer, director, partner or employee of the applicant, or
 - (c) legally or beneficially owns or controls more than 5% of stock of a corporate applicant or is a member of a partnership or association applicant, or
 - (d) is a party to an agreement with such an applicant, express or implied, whereby [he/she] may receive any payment or other benefit, whether or not for services rendered dependent or contingent upon the favorable approval of such application, petition or request.

(2) Any person who knowingly and intentionally violates the provisions of section 809 of said General Municipal Law shall be guilty of a misdemeanor.

(NOTE: If the applicant cannot make the foregoing certification, the applicant shall so state and shall furnish with the application a signed statement which sets forth in detail the reason therefor.)

The foregoing certification as well as the contents of this entire application is hereby subscribed by the applicant and is hereby affirmed by the applicant as true under the penalties of perjury.

Applicant Signature *Albert Jeffrey Martin* Date Sept. 05. 2024

Phone Number(s) 906-322-2277 / 906-322-5951

Email Address jmartin0864@yahoo.com

NOTE: For a helpful guide to the appeals process and links to related forms, please visit auroranewyork.us/resources/permits-applications/

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(a) is the applicant, or

(b) is an officer, director, partner or employee of the applicant, or

(c) legally or beneficially owns or controls more than 5% of stock of a corporate applicant or is a member of a partnership or association applicant, or

(d) is a party to an agreement with such an applicant, express or implied, whereby [he/she] may receive any payment or other benefit, whether or not for services rendered dependent or contingent upon the favorable approval of such application, petition or request.

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Applicant Signature Albert Jeffrey Martin Date Sept.05.2024

Phone Number(s) 906-322-2277 / 906-322-5951

Email Address martin0864@yahoo.com

NOTE: For a helpful guide to the appeals process and links to related forms, please visit auroranewyork.us/resources/permits-applications/

Reference Village of Aurora CEO letter dated July/08/2024;

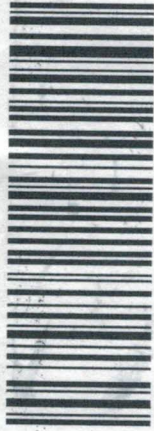
Commercial storage is the rental of space by a business for storing items, documents, or equipment related to that business.

Please provide the property owners at 46 Sherwood Rd., any and all evidence that the CEO, Village of Aurora or any of its panel members have showing that we have offered rental space, are operating a business or provided receipts for such activities.

For the record, CPP minutes July/03/2024, CPP letter "(attached)" has yet to be provided to the owners at 46 Sherwood Rd. (See Page 8)

VERIFIED MAIL

VILLAGE OF AURORA, Inc.
456 Main Street
Aurora, New York 13026-9790



7020 0640 0001 5414 3214

7/10

Retail



13026



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AURORA, NY 13026
JUL 08, 2024

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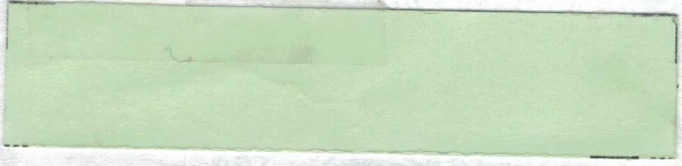
R2305H128318-04

Mr. Jeff Martin
46 Sherwood Rd.
Aurora, NY 13026

13026-979146



PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE
Certified Mail®



Mr. Albert (Jeff) Martin

July 8, 2024

46 Sherwood Road

Aurora, NY 13026

Dear Mr. Martin:

The Community Preservation Pannel did not issue you a Certificate of Appropriateness that their meeting last week. The Pannel agreed that shipping containers are not allowed as permanent structures and that they have been on site at 46 Sherwood Road too long to consider them temporary structures.

You have agreed to remove one structure by the end of August 2024 and to remove the second one at some time in the future. I do not have the authority to allow any prohibited structure to remain and demand you remove both by August 31, 2024.

You have sixty days from today to appeal my decision with the Village Zoning Board of Appeals.

Village of Aurora Zoning Law Section 405. f. An unattached accessory structure shall not be a building, structure, or other assemblage of materials designed for, or customarily used as, a principal structure allowed under this law; nor shall an unattached accessory structure be a vehicle or a container primarily intended for commercial storage or transportation of goods, animals, or people.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert Rhea', with a long horizontal line extending to the right.

Robert Rhea

Code Enforcement Officer

Village of Aurora, NY

VILLAGE of AURORA
CODE ENFORCEMENT OFFICE

456 Main Street
Aurora, New York 13026

ORDER TO REMEDY VIOLATIONS

Location: 46 Sherwood Road Map No: 182.09-1-15 Section: Block: Lot:

Name: Albert (Jeff) Martin Address: 46 Sherwood Road

PLEASE TAKE NOTICE there exists a violation of: **Village Zoning Law Section 405 A. f.**

Section 405 A. f. An unattached accessory structure shall not be a building, structure, or other assemblage of materials designed for, or customarily used as, a principal structure allowed under this law; nor shall an unattached accessory structure be a vehicle or a container primarily intended for commercial storage or transportation of goods, animals, or people.

YOU ARE THEREFORE DIRECTED AND ORDERED to comply with the law and to remedy the conditions above mentioned forewith no later than the 31st Day of August 2024. Failure to remedy the conditions aforesaid with notice in writing of compliance to the Village of Aurora, 456 Main Street Aurora, New York 13026, and to comply with the applicable provisions of law may constitute an offense punishable by fine, imprisonment, or both. Pursuant to section 268 of the Town Law of New York, the Village of Aurora also may seek an injunctive relief in the New York State Supreme Court.

Code Enforcement Officer



Date

7/8/2024

DRAFT

Community Preservation Panel July 3, 2024 Meeting Minutes

The meeting was held at the Aurora Firehouse meeting room at 7:00 pm

Present: Chairperson Jim Burkett, Chris MacCormick, Claire Morehouse, Julia Rossmann, and John Wendler (alternate)

Absent: Jeff Blum

Others Present

Village Officials: Clerk Ann Balloni and Code Enforcement Officer Bob Rhea

Members of the Public: Frank Losurdo

Call to Order: Mr. Burkett called the meeting to order at 7:00 p.m.

Changes to the Agenda: No changes.

Approval of Minutes: On motion by Morehouse, seconded by Wendler, the CPP voted to approve the June 5, 2024 minutes.

AYES: Burkett, MacCormick, Morehouse, Rossmann, and Wendler

NAYS: None

ABSENT: Blum

Motion carried unanimously.

Announcements: Ms. Balloni gave an update of the status of the zoning law. The Village Board is revising the zoning districts for re-introduction and adoption.

Old Business: No Old Business was discussed.

New Business

Application #24-21 from Jeff Martin for a storage container at 46 Sherwood Road (Tax Map #182.09-1-15)

Mr. Martin applied for a Certificate of Appropriateness for a storage container that he has had on his property for five years. A second storage container is to be removed by August 31, 2024. Mr. Martin initially received permission from then Code Enforcement Officer (CEO), Dan Green, to allow the temporary placement of the containers while Mr. Martin was moving into and renovating his house.

Storage containers are not allowed per the village zoning law as permanent accessory structures (section 405.P1.A.3.f) and current CEO Bob Rhea, informed Mr. Martin a year ago that the containers must be removed by December 31, 2023. Mr. Martin did not comply and was issued an Order to Remedy, followed by an appearance ticket in Ledyard Town Court.

At the Ledyard Town Court, in front of Judge Maassen, Mr. Martin volunteered both the removal of the 1st container and his application for the 2nd container, per CEO Bob Rhea.

Officer Rhea forwarded Mr. Martin's application to the CPP, but the panel agreed that they cannot review an application for an accessory structure that is not allowed per the village zoning law. The panel sent a letter to Mr. Martin (attached) explaining that they are returning his application to the CEO for a determination.

Historic Neighborhoods: On motion by MacCormick, seconded by Morehouse, the CPP voted to send the Village Board of Trustees a complete package of the amendments for the revised village zoning law, including Section 700 changes, designating scenic landmarks, and designating historic neighborhoods.

AYES: Burkett, MacCormick, Morehouse, Rossmann, and Wendler

NAYS: None

ABSENT: Blum

Motion carried unanimously.

Adjournment: On motion by Wendler, seconded by Rossmann, the CPP voted to adjourn the meeting at 7:20 p.m.

AYES: Burkett, MacCormick, Morehouse, Rossmann, and Wendler

NAYS: None

ABSENT: Blum

Motion carried unanimously.

Respectfully submitted,

Ann Balloni
Village Clerk

DRAFT

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1. Please state reasons for Appeal, citing the provision of law at issue, and attach any supporting documents, including (for area variances) plans drawn to scale and accurately dimensioned, and a copy of a survey map bearing the signature and stamp of a surveyor licensed in NYS.

Oct/17/2022, visit from Daniel Green, active Code Enforcement Officer for the Village of Aurora, advised me that the neighbor, Mr. Losurdo, had issue with the tool storage container, Mr. Losurdo was advised; "Guidance with regard to Village of Aurora, Local Law #2, Section 4, Building Permits, (b) Exemptions...(1) construction of installation of one-story detached structures associated with one or two-family dwellings or multiple single-family dwellings (townhouses), which are used for tool and storage sheds, playhouses, or similar uses, provided the gross floor area does not exceed 144 square feet."
See Permit Application No. #24-21 for supporting documentation.
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2. List the names and addresses of all adjoining owners, including those across roads from the subject property.

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3. Has there been a previous appeal with respect to this decision or this property? Yes / No

If yes, provide date (s) _____ and determination(s): Approved / Denied

4. Requests for variances must be accompanied by Part I of an Environmental Assessment Form (short form for area variances, full form for use variances) for SEQ, completed by the applicant.

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Applicant Signature *Albert Jeffrey Martin* Date Sept. 05. 2024

Phone Number(s) 906-322-2277 / 906-322-5951

Email Address jmartin0864@yahoo.com

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Phone Number(s) 906-322-2277 / 906-322-5951

Email Address martin0864@yahoo.com

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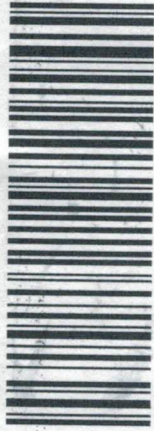
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For the record, CPP minutes July/03/2024, CPP letter "(attached)" has yet to be provided to the owners at 46 Sherwood Rd. (See Page 8)

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VILLAGE OF AURORA, Inc.
456 Main Street
Aurora, New York 13026-9790



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7/10

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13026



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FCM LETTER
AURORA, NY 13026
JUL 08, 2024

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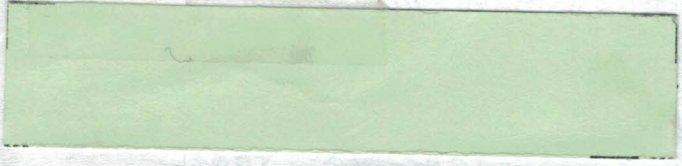
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Mr. Jeff Martin
46 Sherwood Rd.
Aurora, NY 13026

13026-979146



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July 8, 2024

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Aurora, NY 13026

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You have agreed to remove one structure by the end of August 2024 and to remove the second one at some time in the future. I do not have the authority to allow any prohibited structure to remain and demand you remove both by August 31, 2024.

You have sixty days from today to appeal my decision with the Village Zoning Board of Appeals.

Village of Aurora Zoning Law Section 405. f. An unattached accessory structure shall not be a building, structure, or other assemblage of materials designed for, or customarily used as, a principal structure allowed under this law; nor shall an unattached accessory structure be a vehicle or a container primarily intended for commercial storage or transportation of goods, animals, or people.

Sincerely,



Robert Rhea

Code Enforcement Officer

Village of Aurora, NY

VILLAGE of AURORA
CODE ENFORCEMENT OFFICE

456 Main Street
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ORDER TO REMEDY VIOLATIONS

Location: 46 Sherwood Road Map No: 182.09-1-15 Section: Block: Lot:

Name: Albert (Jeff) Martin Address: 46 Sherwood Road

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Code Enforcement Officer



Date

7/8/2024

DRAFT

Community Preservation Panel July 3, 2024 Meeting Minutes

The meeting was held at the Aurora Firehouse meeting room at 7:00 pm

Present: Chairperson Jim Burkett, Chris MacCormick, Claire Morehouse, Julia Rossmann, and John Wendler (alternate)

Absent: Jeff Blum

Others Present

Village Officials: Clerk Ann Balloni and Code Enforcement Officer Bob Rhea

Members of the Public: Frank Losurdo

Call to Order: Mr. Burkett called the meeting to order at 7:00 p.m.

Changes to the Agenda: No changes.

Approval of Minutes: On motion by Morehouse, seconded by Wendler, the CPP voted to approve the June 5, 2024 minutes.

AYES: Burkett, MacCormick, Morehouse, Rossmann, and Wendler

NAYS: None

ABSENT: Blum

Motion carried unanimously.

Announcements: Ms. Balloni gave an update of the status of the zoning law. The Village Board is revising the zoning districts for re-introduction and adoption.

Old Business: No Old Business was discussed.

New Business

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Historic Neighborhoods: On motion by MacCormick, seconded by Morehouse, the CPP voted to send the Village Board of Trustees a complete package of the amendments for the revised village zoning law, including Section 700 changes, designating scenic landmarks, and designating historic neighborhoods.

AYES: Burkett, MacCormick, Morehouse, Rossmann, and Wendler

NAYS: None

ABSENT: Blum

Motion carried unanimously.

Adjournment: On motion by Wendler, seconded by Rossmann, the CPP voted to adjourn the meeting at 7:20 p.m.

AYES: Burkett, MacCormick, Morehouse, Rossmann, and Wendler

NAYS: None

ABSENT: Blum

Motion carried unanimously.

Respectfully submitted,

Ann Balloni
Village Clerk

DRAFT

Regarding Community Preservation Panel (CPP) application 24-21

This evening the CPP has been asked to consider application 24-21. The applicant, Mr. Jeff Martin is present. Application 24-21 is a request for a Certificate of Appropriateness for setting a storage container on Mr. Martin's property for use as a permanent storage unit. Said storage unit has been on Mr. Martin's property at 46 Sherwood Rd. for approximately five years and was initially considered a temporary storage unit, allowed by the previous Code Enforcement Officer, Dan Green.

Section 405, A, 3, f of the Zoning Law specifically outlines that a storage container is prohibited as an accessory structure on any property in the Village. Therefore, it is inappropriate for the CPP to discuss and consider application 24-21 (request for a certificate of appropriateness) before the Code Enforcement Officer issues a denial and the applicant submits an appeal to the Zoning Board of Appeals for an interpretation of the law.

Application 24-21 is hereby dismissed and referred to the Code Enforcement Officer for determination of legality. Should such legality be determined via a ruling issued by the ZBA, the CPP will then consider an application for whether the storage container is appropriate for that property and neighborhood.

July 3, 2024

A handwritten signature in blue ink, appearing to be "J. Green", is written below the date.