

John Neff
511 Shasta Way
Mill Valley, CA 94941
September 3, 2023

Town of Ellicottville
23 Parkside Drive
P.O. Box 600
Ellicottville, NY 14731

Dear Town of Ellicottville:

Please find my attached Zoning Permit Application for a proposed 10' x 110' driveway that will allow me to access my property from Irish Hill Road.

Eric Mucha of Suwerenny LLC has my authorization to act as my Representative Agent for the application submittal process, and any accompanying follow up actions regarding the Town's approval of the 10' x 110' driveway.

Please direct any questions or correspondence regarding the application submittal process to Eric Mucha; 716-250-8681; suwerennyllc@gmail.com; 3398 Ashwood Drive, North Tonawanda, NY 14120.

Sincerely,

John Neff

A handwritten signature in black ink, appearing to be 'John Neff', written over a printed name.



**TOWN AND VILLAGE OF ELLICOTTVILLE
PLANNING AND CODE ENFORCEMENT**

23 Parkside Drive • P.O. Box 600 • Ellicottville, New York 14731
(716) 699-2240 | www.ellicottvillegov.com

ZONING PERMIT APPLICATION

APPLICATION NUMBER: _____

GENERAL INFORMATION

Project Address: V/L Irish Hill Road

Tax Parcel Number: 38.003-1-32.1 Town of Ellicottville Village of Ellicottville

Purpose of this Permit: New Construction Structural Alteration Change of Use Intent to Subdivide

APPLICANT

Name(s): John Neff

Mailing Address: 511 Shasta Way; Mill Valley, CA 94941

Phone Number: 415-505-7359 Email: johnneff@gmail.com

Is the applicant the property owner? Yes No (*proof of ownership or authorization must be provided*)

PROPERTY OWNER (if different than the applicant)

Name(s): _____

Mailing Address: _____

Phone Number: _____ Email: _____

APPLICANT'S REPRESENTATIVE (if different than the applicant)

Company Name: Suwerenny LLC

Company Address: 3398 Ashwood Drive; North Tonawanda, NY 14120

Contact Name: Eric Mucha

Phone Number: 716-250-8681 Email: suwerennyllc@gmail.com

Check all that apply: Architect Contractor Designer Engineer Attorney Other

DESCRIPTION OF PROJECT OR USE (attach additional pages if necessary)

Provide a detailed and complete description of the proposed work to be completed and/or the intended use(s)

10' x 110' Driveway to access property from Irish Hill Road

SITE INFORMATION

Current use of the property including any buildings or structures on the lot (attach additional pages if necessary):
 Currently vacant, undeveloped land

Zoning District(s): Agricultural - Residential Historic District? Yes No
 Current Lot Size (sq. ft./acres): 4.95 acres Area to be Developed (sq. ft./acres): 1,100 sq. ft
 Current Lot Coverage (sq. ft./acres): _____ Proposed Lot Coverage (sq. ft./acres): _____
 Method Sanitary Sewerage Disposal: _____
 Method of Water Supply: _____
 Flood Hazard Area? Yes No FIRM Zone: _____ Base Flood Elevation: _____

STRUCTURE INFORMATION

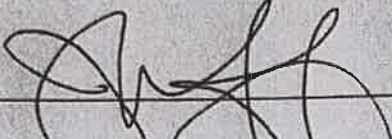
Dimensional Requirements	Principal Structure		Accessory Structure	
	Existing	Proposed	Existing	Proposed
Building Footprint	sq. ft.	_____	_____	_____
Gross Floor Area	sq. ft.	_____	_____	_____
Structure Height	feet	_____	_____	_____
Structure Height	stories	_____	_____	_____
Dwelling Units	number	_____	_____	_____
Front Yard Setback	feet	_____	_____	_____
Side Yard Setback (near side)	feet	_____	NA	5
Side Yard Setback (far side)	feet	_____	NA	5
Combined Side Yard	feet	_____	_____	_____
Rear Yard Setback	feet	_____	_____	_____

SIGNATURES

Applicant and Property Owner(s) (if different) must sign the application.

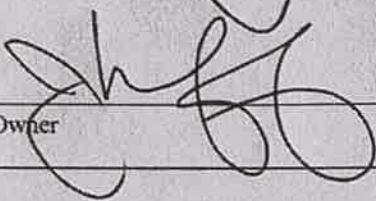
I hereby certify that I have examined this application and know the same to be true and correct. All provisions of the laws and ordinances covering this type of work will be complied with whether specified herein or not. The acceptance or approval of this application does not presume to give authority to violate or cancel provisions of any other state or local law regulating construction, land use or the performance of construction. I have read and am familiar with the Town and Village of Ellicottville Zoning Law that is relevant to this application. By signing this form, the owner or the owner's authorized representative is giving their consent for the Building, Planning and Code Enforcement Division to inspect the site as necessary and related to this application even if the property has been posted against trespassing.

Applicant

JOHN NEFF 
Signature of Applicant

9/10/23
Date

Property Owner


Signature of Property Owner

9/10/23
Date

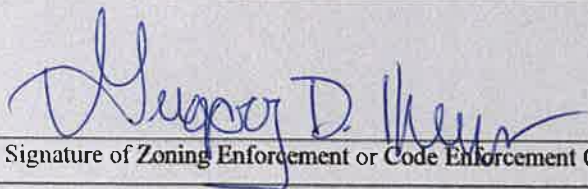
OFFICIAL USE ONLY

Application Fee: _____ Received By: _____ Date: _____

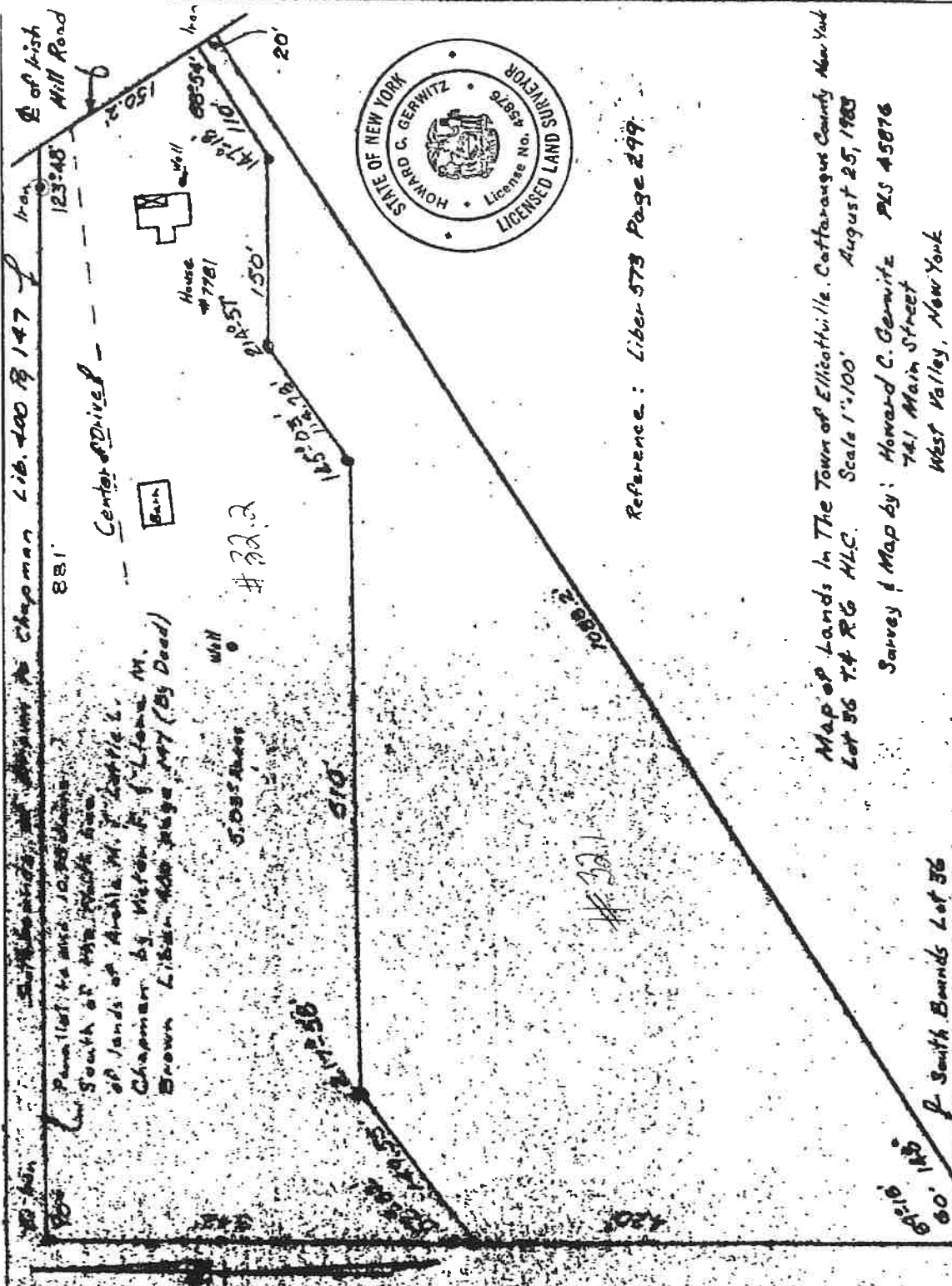
Zoning Permit Review

- APPROVED – This permit complies with the Zoning Ordinance and may obtain a building permit.
- REFERRAL – This permit is not valid until the following approvals have been obtained from the Planning Board.

DENIED – This permit is not in conformance with the following provision(s) of the Zoning Ordinance.
SECTION 5.6(C) - DRIVEWAY SETBACK


Signature of Zoning Enforcement or Code Enforcement Official

9/10/23
Date



E of Fish Mill Road
 Chapman Lib. 400 B 147
 881
 Center of Drive
 House
 Well
 Well
 123°48'
 147°18'
 145°02'
 143°18'
 142°18'
 141°18'
 140°18'
 139°18'
 138°18'
 137°18'

Part of the lands of the Chapman Lib. 400 B 147
 of lands of Ansel M. Chapman
 Chapman by Victor F. (Lionel M. Brown Lib. 400 page 207 (By Deed))
 5.085 Acres
 # 22.2



Reference: Liber 573 Page 299

Map of Lands in The Town of Ellicottville, Cattaraugus County, New York
 Lot 56 T.4 R.6 H.C. Scale 1"=100' August 25, 1983
 Survey & Map by: Howard C. Gerwitz PLS 45876
 74.1 Main Street
 West Valley, New York

P. South Bounds Lot 56

62 Irons

For: John Neff
1/2 Irish Hill Rd.
Tax ID # 38,003-1-32.1

LAND
OWNED
BY

PROPERTY

5' Offset

1.58

DRIVEWAY

10'

JOHN NEFF

5' Offset

1.58

PROPERTY

LINE

LAND
OWNED
BY

FRANK
NEFF
JR.

THEODORE
FLEMMING

LINE

edge of pavement

edge of pavement

5' 10' 5'
IRISH HILL ROAD

Scale 1" = 10'



**TOWN AND VILLAGE OF ELLICOTTVILLE
BUILDING / CODE ENFORCEMENT
DIVISION**



PO Box 600, ELLICOTTVILLE, NY 14731

Code Enforcement Officer: Kelly Fredrickson, (716) 699-4773

E-MAIL: kelly.fredrickson@eylengineering.com

Planner: Greg Keyser, (716) 801-3016, E-MAIL: greg.keyser@eylengineering.com

ZONING BOARD OF APPEALS APPLICATION

Property is in: TOWN VILLAGE App. # 2023-307

APPLICANT INFORMATION:

Applicant's name: John Neff Date: September 7, 2023

Mailing address: 511 Shasta Way; Mill Valley, CA 94941

Cell Phone Number: 415-505-7359 E-Mail: johnneff@gmail.com

Applicant must be (check all that apply): Owner Operator Lessee

Applicant's Engineer or representative: Suwerenny LLC (rep. Eric Mucha)

Address: 3398 Ashwood Drive; North Tonawanda, NY 14120

Phone #: 716-250-8681 E-Mail: ericmuch1977@gmail.com

PROPERTY OWNER INFORMATION (if different than Applicant)

Name: _____

Mailing Address: _____

Cell Phone Number: _____ E-Mail: _____

TYPE OF APPEAL:

Area Variance Use Variance Interpretation of Zoning Law text or map

Section of Zoning Law from which variance is requested: Section 5.6.C

Describe the requested variance: Request variance from 10' property line setback requirement from Theodore Flemming property south of proposed John Neff driveway.

Is this appeal from a decision of the Town/Village of Ellicottville Building Official? YES NO

If yes, what as the type of decision or permit? Zoning Permit

Date of decision: TBD

A previous appeal has has not been made with respect to this decision or with respect to the property. If a previous appeal was made, provide the Appeal # _____ and Date of Appeal _____

Reasons Supporting Your Appeal

Please reply to the questions below for the type of appeal that you are making. These are the criteria that the Zoning Board of Appeals will use to evaluate your appeal. Provide as much detail as possible. Feel free to attach an additional statement.

AREA VARIANCE

In making its determination on an area variance, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance were granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making that determination, the ZBA will consider these five questions.

1. Will an undesirable change be produced in the character of the neighborhood or will a detriment to nearby properties be created by the granting of the area variance?
No.

2. Can the benefit sought by the applicant be achieved by some method, feasible for the applicant to pursue, other than an area variance?
No.

3. Is the requested area variance substantial?
No.

4. Will the proposed variance have a adverse effect or impact on the physical or environmental conditions in the neighborhood or district?
No.

5. Is the alleged difficulty self-created, which consideration shall be relevant to the decision of the board, but shall not necessarily preclude the granting of the area variance.
Not self-created. Parcel owned by John Neff was split in 1983 by previous owners, whom were unable to anticipate zoning laws that would be implemented at a later date. 20' of public road frontage in 1983 must have seemed sufficient for a driveway.

USE VARIANCE

In order for the Zoning Board of Appeals to grant a use variance, the applicant shall show that the applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove unnecessary hardship, the applicant shall demonstrate to the Zoning Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:

1. The applicant cannot realize a reasonable return, provided that lack of return is substantial, as demonstrated by competent financial evidence; and
vehicles would be unable access the property, severely limiting usage options for the owner.

2. The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood; and
parcel was split in 1983, prior to current zoning laws.

3. That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
will have no negative impacts on the neighbors or surrounding area.

4. That the alleged hardship has not been self-created
Parcel was split in 1983, prior to current zoning laws.

Provide a statement that discusses each of these points, demonstrating that the zoning regulations have caused unnecessary hardship.

INTERPRETATION OF ZONING LAW

Provide a statement that describes what the Building Official determined, what you believe should be the interpretation, and why.

Attach additional statement.

PROPERTY / FACILITY NAME

John Neff Proposed Driveway

Address: **V/L Irish Hill Road**

Property tax map #: **38.003-1-32.1**

Current use of property: **Vacant, undeveloped**

Description of Proposed Project/Use (attach additional pages, survey and plans):

Single family residential. No building plans. Dependent on driveway.

Zoning Requirements from Town/Village Zoning Law.

Front yard setback: _____, Rear yard setback: _____, Side yard setback: _____,

Combined side: _____, Minimum lot size: _____, Width: _____,

Height: _____, Floor area ratio: _____ (Village)

Usable Open space: _____

Site Information

Size of site: **215,622** Sq. Ft. Size of area to be developed: **1,100** Sq. Ft.

Main Structure:

Construction type: _____ Front yard setback: _____ feet

Height: _____ stories, _____ feet Side yard setback: _____ feet

of family units: _____ Total of both side yard setbacks: _____ feet

Size of lot: **215,622** Sq. Ft. Rear yard setback: _____ feet

Usable Open space: _____ % Floor area ratio: _____ (Village)

Corner or interior lot? _____ Other: _____

Accessory Building:

Description: _____

Percentage of yard: _____ Height: _____ feet.

Setback from rear lot line: _____ feet. Setback from side lot line: _____ feet.

Floodplain:

FIRM Zone _____ BFE _____

Flood Plain Development Permit Required? YES NO

ATTACHMENTS

Attach all relevant items listed in the Town/Village of Ellicottville Zoning Law for type of application(s) being submitted. Additional copies of all plans, documents and other application materials may be required. See attached list of required forms and information needed for type of application being submitted. Deadline for submittal is three (3) weeks prior to regularly scheduled meeting date. Meeting dates are subject to change by the Board Chair.

SIGNATURES

Applicant and Owner (if different) must sign the application.

I hereby certify that I have examined this application and know the same to be true and correct. All provisions of laws and ordinances covering this type of work will be complied with whether specified herein or not. The acceptance or approval of this application does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction, land use or the performance of construction. I have read and am familiar with the Town/Village of Ellicottville zoning law that is relevant to this application(s).

Additional Fees may be charged for: pre-application meetings, SEQR review, and additional legal/consulting/engineering labor. Permit Fees are NON-REFUNDABLE

Permission to inspect – I hereby consent to Town/Village of Ellicottville Staff inspection of the project site and adjacent property areas. Town/Village staff may enter the property without notice. Inspection may occur without the owner, applicant or agent present, If the property is posted with “keep out” signs or fenced with an unlocked gate, staff may still enter the property. Agency staff may take measurements, analyze site physical characteristics, take soil and vegetation samples, sketch and photograph the site.

Applicant Signature: _____ Date: 9/10/23

Applicant must be (check all that apply) Owner Operator Lessee

Applicant Name: ^{Print} John Neff

Property Owner's Signature (if different than applicant) _____ Date: _____

Property Owner's Name: ^{Print} _____

<u>Office use only:</u>	
Application Fee(s) <u>\$275</u>	
Received by: <u>[Signature]</u>	on _____ (Date)
Project Number(s): _____	

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			
10 ft wide driveway for John Neff			
Name of Action or Project: 10 ft wide driveway for John Neff			
Project Location (describe, and attach a location map): Vacant Land on Irish Hill Road; Ellicottville, Cattaraugus County, NY Tax ID# 38.003-1-32.1			
Brief Description of Proposed Action: Proposed 10' wide driveway for John Neff's vacant land on Irish Hill Road in Ellicottville, NY. Length of driveway is 110'.			
Name of Applicant or Sponsor: John Neff		Telephone: 415-505-7359	
		E-Mail: johneff@gmail.com	
Address: 511 Shasta Way			
City/PO: Mill Valley		State: CA	Zip Code: 94941
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 <input type="checkbox"/>
			YES <input type="checkbox"/>
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: Zoning Permit from Town of Ellicottville			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		4.95 acres	
b. Total acreage to be physically disturbed?		0.02 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		4.95 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other(Specify): Rural Residential			
<input type="checkbox"/> Parkland			

		NO	YES	N/A
5. Is the proposed action,	a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO	YES	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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: <u>Proposed 10' x 110' driveway is not anticipated to use any petroleum products for materials, thereby leaving a low carbon footprint.</u>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?		NO	YES	
If No, describe method for providing potable water: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?		NO	YES	
If No, describe method for providing wastewater treatment: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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:

 A culvert will be installed under the proposed driveway, thereby allowing the unhindered conveyance of water within the existing roadside storm water conveyance system.

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

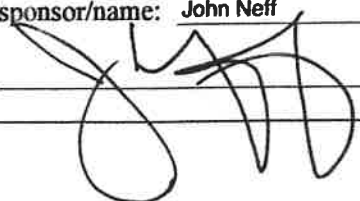
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?
 If Yes, describe: _____

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: John Neff Date: 9/8/2023
 Signature:  Title: 9/10/23 OWNER

Frank Knab
604 Ellicott Creek Road
Tonawanda, NY 14150
September 25, 2023

Town of Ellicottville
23 Parkside Drive
P.O. Box 600
Ellicottville, NY 14731

Dear Town of Ellicottville:

On September 25, 2023, I took ownership of John Neff's property in the Town of Ellicottville, Tax ID # 38.003-1-32.1, which is vacant land located on Irish Hill Road. The authorization of the area variance for the Zoning Permit Application for a proposed 10' x 110' driveway is very important to me and my family. The proposed driveway will allow me to access my property from Irish Hill Road.

Eric Mucha of Suwerenny LLC has my authorization to act as my Representative Agent for the application submittal process, and any accompanying follow up actions regarding the Town's approval of the 10' x 110' driveway.

Please direct any questions or correspondence regarding the application submittal process to Eric Mucha; 716-250-8681; suwerennyllc@gmail.com; 3398 Ashwood Drive, North Tonawanda, NY 14120.

Sincerely,



Frank Knab (Sep 24, 2023 15:37 EDT)

Frank Knab