

original



CASE NO. 1348

DATE OF HEARING 11.21.19

Town of Aurora Zoning Board of Appeals
300 Glead 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 Peter & Mary Zittel
Address 1271 Sweet Rd
City EAST AURORA State NY ZIP 14052
Phone 716-416-20306 Fax _____ Email _____
Interest in the property (ex: owner/purchaser/developer) _____

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

Property Owner(s) Name(s) Brian Zittel / LANEFOOT LLC
Address 1271 Sweet Rd
City East Aurora State NY ZIP 14052
Phone _____ Email _____

III. PROPERTY INFORMATION

Property Address 111 BEECH RD
SBL# 175.00-2-7.1
Property size in acres 3.9 Property Frontage in feet 814
Zoning District R/RR1A Surrounding Zoning R/RR1A
Current Use of Property MULTI-USE / RESIDENTIAL

IV. REQUEST DETAIL

(check all that apply)
 Variance from Ordinance Section(s) # _____
 Special Use Permit for: _____
 Use Variance for: Event center
 Interpretation of _____

Letter of Intent

To whom it may concern,

We intend on opening up the Big Red Barn on the corner of Mill and Beech roads for all of East Aurora to enjoy and use. There are two options that will be available to those who wish to rent out the barn for an event. We have the original Granary inside the barn which is heated and Air Conditioned to hold smaller parties 365 days a year. The large "nave" of the barn will be able to host large events. Hopefully one day we will have a barn dance like they used to, as we found "barn dance" painted over the staircase so we know they have held dances! We have also heard from numerous people that during the 1970's there was a bar in the main part of the barn. We will be looking to hold many events that will benefit the community as a whole. Through this use variance we will be able to recoup the costs that we have incurred in the restoration thus far. Over the past two and a half years we have spent countless hours clearing out the barn, removing all of the water damage created by years of rain pouring through Volkswagen sized holes in the roof, repairing water damaged floors, replacing rotten windows, hanging a couple thousand tongue and groove boards on the walls, many many hours of sanding the original barn floors and bringing modern touches into the barn where safety and usability made more sense. All this while replacing the roofing on all of the other barn complex structures. We have been contacted by many local organizations, as well as neighbors and random passersby who come knocking at the door seeking to rent this space. Two years ago we did not know we would be in the place we are but we did know we were going to have a long road ahead of us. To restore and maintain such a large historic structure such as this one there were sure to be surprises. Built between

1909 and 1912 with Lackawanna and Carnegie steel. Designed by E.B.Green for the Clement family. It was the largest structure of its kind this side of the Mississippi when it was built. The lumber for the entire barn complex was harvested from the Clement estate down in North Carolina and shipped by rail to East Aurora. The Elmhurst Special Milk Company was famous for their special milk which was prescribed by doctors to infant children as well as being shipped as far away as Japan. The Dairy was one of a few around the area who bottled milk on the premises instead of shipping it into Buffalo to get bottled. With the amount of history this one building holds it is important to keep a structure like this around and able to continue to serve the community. Through a use variance we will be able to continue the restoration of the barn as well as the surrounding outbuildings-all of which once belonged to the Elmhurst Special Milk Company.

Thank You

1 (a)

See accompanying sheet for financial costs related to barn. There has been no income created from the barn to offset any of these costs.

2 (b)

This hardship is unique because the hardship in question is the result of preserving and restoring a local historic structure. The historic structure was built by famed local architect E.B.Green and was the first structure of its kind. Because of the method of construction, rarity of design and involvement in the community for the past 107 years this hardship is not faced by another likewise structure in the surrounding area. The use variance will enable us to recoup the costs incurred thus far in this substantial restoration.

3 (c)

It really does not affect the essential character of the neighborhood, it enhances it. Through the past two and a half years we have transformed what was once an eyesore property into a gorgeous local landmark that is befitting of Historic East Aurora's reputation. As well as Increasing property values for our neighbors. By insulating the walls of the barn with industrial closed cell foam insulation and the installation of insulated glass doors we have mitigated any sound that will be escaping from the building during events. We have had continuous and open communication with many of our neighbors and have taken all feedback from them into consideration. The barn has always had a parking lot out front of as well East of the structure since it has been serving as a place of business since the 1950's. We plan on not only holding fundraisers at the barn that will benefit the community but we would also like to rent the barn out as a budget friendly option to local community groups.

4 (d)

The need for a use variance is not a result of our own actions. We purchased the property with the intent of renting out the current apartments off Mill rd and using the barn for storage. Once we got the quote for the new barn roof we knew we were in for an uphill battle. But we also knew the barn needed to be saved. Over the past two and a half years we have spent 1000's of hours and a lot of money on the preservation of this historic and architectural landmark. Yes, we could have made the decision not to preserve the barn but that would have been a huge loss for not only us and the property but also East Aurora and Western New York as a whole.

Barn Restoration Costs

The Barn	Expenses To Date	Expected Expenses
Purchase Of Historic E.B. Green Structure	210,000	
New Roof: 11,000 sq ft.	70,000	
Restore columns on front of barn	4,800	
47 gallons of stai for exterior of the barn	2,450	
New windows	3500	
New windows yet to replace		10000
Lumber to repair south side of barn siding	2700	
Lift rental to paint the barn and repair siding	2380	
Sewer installation, purchased with it not passing	18360	
Repair aging electric service	12000	
Restore and Preserve existing concrete foundation		25000
Insulation of Granary	4000	
Insulation of main barn area (Noise & draft Reduction	4620	
Replacing aging wiring	7000	
Remainging wiring that still needs to be updated		3500
Doors inside existng main doors to keep the snow drifts out	20000	
Restore existing original 12x12 barn doors		3500
Plumbing work to restore the bathrooms	14850	
Period correct tile in the bathrooms	3200	
Bathroom fixtures	2410	
Floor repair	5000	
Sander to repair floors	450	
Repurposed sink base from a machine stand	0	
Paint	3800	
Custom lumber for various repairs of beams	1000	
Repair 16x28 hole in barn floor	3600	
Restore and Re-erect dumbwaiter	5200	
Rebuild the round staircase	1800	
Rebuild the Straw Mow Staircase	2400	
Flooring to repair the straw mow from years of rain damage		2200
Painting historic Lackawanna & Carnegie steel trusses	4600	
Putting proper lighting in the barn for the first time in its history	12000	
Hanging Lights	840	
Lumber to replace original tongue and groove wall sheating: Granary	8700	
Lumber to replace original tongue and groove wall sheating: Barn	12200	
HVAC system in the Granary	12000	
HVAC system in the Barn		11400
Historically correct signs	3000	
Forklift Rental to take down pallet racking which held 200 roles of carpet	163	
Sourcing antique glass to repair original windows	131	
Removal of stuck RV inside barn	675	
HVAC system in basement of barn to remove moisture from barn 2017	4000	
Fix Garage doors in the basement	913	
Repair overhang on west wall of barn	1500	
Trips to VALU	4500	
Dirtwork around foundation	652	
Steel for various reinforcements	2811	
Insurance	4350	
Trench work	706	
Topsoil	2431	
Labor to help install stairs x 2, doors and ceiling in granary	7500	
Labor to install basement windows	1800	
Repair ramp from Beech rd. to main doors	7000	
Continue to clean and restore basement of the barn		5000
Remove water damaged drywall/insulation from the business showroom		5000
Create rentable period correct spaces in the basement		25000

Continued maintenace/restoration on the barn		100000
Zittel Labor through this point in the restoration	200000	
Costs to Date	697,992	
Foreseeable Costs		190,600
Barn Complex		
Repair parking lot on east side of property	6800	
Railroad ties to line the parking lot	1350	
Repair Parking lot on south side of property	1100	
Parking Lot Lighting		4250
Restore Barryard Concrete		20000
Dumpsters to remove junk from the barn x 5	2300	
Ice House Roof	12260	
Dairy Roof	8530	
Chicken Coop Roof	4350	
Workshop Roof	1400	
Rebuild one of the Original Grain Silos		30000
Concrete work around outbuildings	4700	
Fencing	2200	
Restore original cast iron railings along the Ramp		15000
Restore concrete work underneath cast iron railings		15000
Painting & Staining	1400	
Repair Chimmney on Dairy Building	3800	
Tree work to save Dairy Foundation	980	
Replacement of aging electric service	5000	
Continued cost of replacing electric service		7000
Replacing the waterline		3800
Concrete Stairs/Ramp from East Parking lot to the ramp	5000	
Concrete Column repair on Mill & Beech rd.		6700
Restore Concrete walls around Barn		8000
Chicken Coop restoration		50000
Unknown costs relating to unknown problems with a 107 year old Barn complex		40000
Expenses to Date	61,170	
Foreseeable Expenses		199,750
The Barn and Barn complex:		
Resoration of the Barn Complex	759,162	
Costs need to continue the restoration process		390,350
Total cost of the barn restoration, and this will likely keep climbing the more we do.	1,149,512	

To whom it may concern,

I Brian Zittel do hereby state that I own Lanefoot LLC.

A handwritten signature in black ink, appearing to read "Brian Zittel". The signature is written in a cursive style with a horizontal line extending from the end of the name.

SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, NY AND REPLY TO MUNICIPALITY

Note: Please complete in triplicate. Send original and one copy (with attachments) to Erie County Division of Planning, Room 1053, 95 Franklin Street, Buffalo, N.Y. 14202. Retain last copy for your files.

DO NOT WRITE IN THIS SPACE

Case No.: ZR-19-022
Received: 10/18/19

The proposed action described herein is referred in accordance with the provisions of the General Municipal Law, which provides that if no reply is received in 30 days after receipt of full information including a SEQR EAF if applicable, the municipal agency may take final action without considering such reply. If, however, reply is received at any time prior to municipal Action, such reply must be considered.

Description of Proposed Action

1. Name of Municipality: Town of Aurora

2. Hearing Schedule: **Date** 11/21/2019 **Time** 7:30pm **Location** 300 Glead Ave., E. Aurora, NY

3. Action is before: Legislative Body Board of Appeals Planning Board

4. Action consists of: New Ordinance Rezone/Map Change Ordinance Amendment
 Site Plan Variance Special Use Permit Other

5. Location of Property: Entire Municipality Specific as follows 111 Beech Rd., Town of Aurora

6. Referral required as Site is within 500' of: State or County Property/Institution Municipal Boundary Farm Operation located in an Agricultural District
 Expressway County Road State Highway Proposed State or County Road, Property, Building/Institution, Drainageway

Event Center (business) not allowed in R-1 or RR zone districts per Town Code

7. Proposed change or use: (be specific) Code

8. Other remarks: (ID#, SBL#, etc.) SBL# 175.00-2-7.1

9. Submitted by: Martha L. Librock, Town Clerk 10/17/2019
300 Glead Ave., E. Aurora, NY 14052

Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on 10/21/19. The Division herewith submits its review and reply under the provisions of applicable state and local law, based on the information submitted with this referral.

1. The proposed action is not subject to review under the law.
2. Form ZR-3, Comment on Proposed Action is attached hereto.
3. The proposed action is subject to review; the Division makes the recommendation shown on Form ZR-4, Recommendation on Proposed Action, which is attached hereto.
4. No recommendation; proposed action has been reviewed and determined to be of local concern

By the Division of Planning: Sarah Gatti Date: 10/28/19

SUPERVISOR
James J. Bach
(716) 652-7590
jbach@townofaurora.com



TOWN CLERK
Martha L. Librock
(716) 652-3280
townclerk@townofaurora.com

TOWN OF AURORA
Southside Municipal Center
300 Gleed Avenue, East Aurora, NY 14052
www.townofaurora.com

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Anthony DiFilippo IV

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

FAX: (716) 652-3507
NYS Relay Number:
1(800) 662-1220

LANEFOOT LLC
1271 Sweet Rd.
East Aurora, NY 14052

9/12/2019

RE: 111 Beech Rd.

Mr. Zittle,

Passing by the barn building at 111 Beech I can't help but notice a lot of construction related activity. Simple repairs are allowable without obtaining a building permit. Electrical, plumbing, or changes in egress or fire safety would require a building permit. I would also advise you that the property is zoned partially R residential along Beech and Mill, RR rural residential along part of Beech, and A agricultural in the south east corner of the property. None of those zoning districts allow for any sort of assembly or special events. If You have any questions regarding this call me at 652-7591.

William R. Kramer

A handwritten signature in black ink that reads "William R. Kramer".

SUPERVISOR
James J. Bach
(716) 652-7590
jbach@townofaurora.com



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LANEFOOT LLC
1271 Sweet Rd.
East Aurora, NY 14052

RE: 111 Beech Rd.

Peter,

I have continued to monitor the activities at 111 Beech. I would strongly advise you to not book any events until you have successfully completed the approval process from the Town ZBA, the Town Board, and the building Department with regards to changes and updates that have been made to the building. Holding events without these permits would result in my department having to declare the building unsafe and have the building evacuated. If you have any questions regarding this call me at 652-7591.

William R. Kramer

A handwritten signature in black ink that reads "William R. Kramer".

10/10/2019

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Peter & Mary Zittel
1271 Sweet Rd.
East Aurora, NY 14052

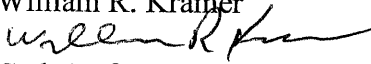
10/17/2019

Re: Wedding Venue at 111 Beech Rd

Peter & Mary,

Per our previous conversations, an Event Center is not an allowed use in an R1, RR or A District as the property at 111 Beech Rd is currently zoned.

If you wish to pursue this matter further you must apply to the Town of Aurora Zoning Board of Appeals for a Use Variance. You must include your application, application fee, and any information you need to support your need for a variance from the Town Code. If you have any questions contact us at 652-7591.

William R. Kramer

Code Enforcement Officer

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

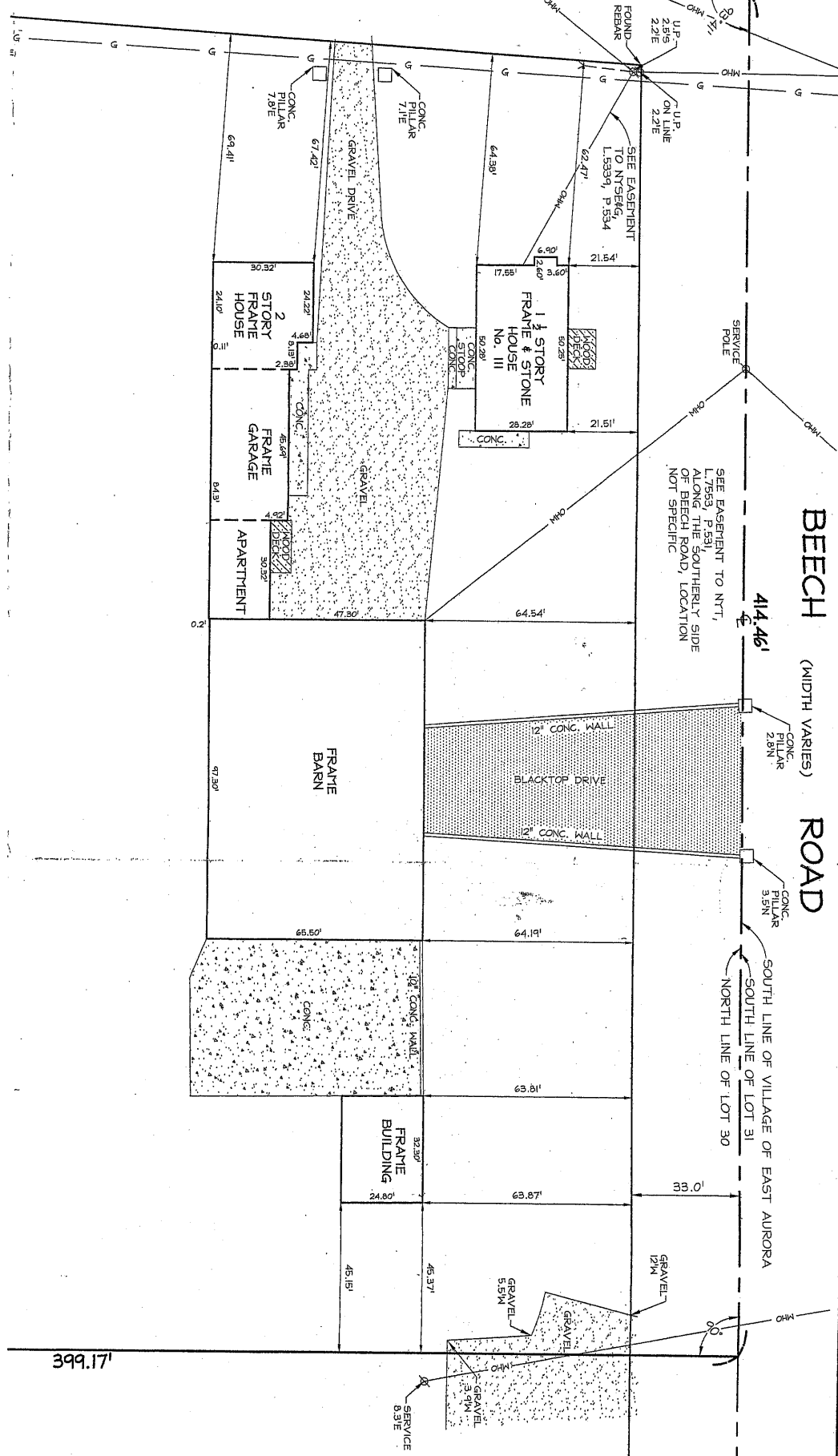
Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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: The barn							
Project Location (describe, and attach a location map): 111 Beech Rd.							
Brief Description of Proposed Action: turn restored barn into event center							
Name of Applicant or Sponsor: Peter & Mary Zittel		Telephone: 					
Address: 1271 sweet rd		E-Mail: .com					
City/PO: East Aurora		State: NY	Zip Code: 14052				
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.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">NO</th> <th style="width: 50%;">YES</th> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
3.a. Total acreage of the site of the proposed action?		3.9 acres					
b. Total acreage to be physically disturbed?		0 acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		3.9 acres					
4. Check all land uses that occur on, adjoining and near the proposed action.							
<input checked="" type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)							
<input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____							
<input type="checkbox"/> Parkland							

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Peter Zhd</u>	Date: <u>10/15/19</u>	
Signature: <u>Peter Zhd</u>		

(49.5' WIDE) ROAD
 AURORA - JEWETTVILLE ROAD)
 400.00'



BEECH ROAD
 (WIDTH VARIES)
 414.46'

SEE EASEMENT TO N-T, LIES WEST SOUTHERLY SIDE OF BEECH ROAD, LOCATION NOT SPECIFIC

SOUTH LINE OF VILLAGE OF EAST AURORA
 SOUTH LINE OF LOT 31
 NORTH LINE OF LOT 30

399.17'

