

CASE NO. 1392

DATE OF HEARING 9/16/2021

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 Aurora - Colden Fire District No. 6
Address 1854 Davis Rd
City West Falls State NY ZIP 14170
Phone _____ Fax _____ Email _____
Interest in the property (ex: owner/purchaser/developer) Owner

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 1854 Davis Rd
SBL# 199.03-2-7
Property size in acres 0.408 Property Frontage in feet 67.22'
Zoning District B2 Surrounding Zoning B2
Current Use of Property Empty lot used for parking

IV. REQUEST DETAIL

(check all that apply)

Variance from Ordinance Section(s) # 116-8.7 G.(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)

James M Walczyk
Signature of Applicant/Petitioner

JAMES M WALCZYK
Print name of Applicant/Petitioner

State of New York; County of Erie

On the 2nd day of August in the year 2021 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.

Amy L. Stucker
Notary Public

(Notary stamp)

AMY L. STUCKER
NOTARY PUBLIC, STATE OF NEW YORK
REGISTRATION No. 01ST6382469
QUALIFIED IN ERIE COUNTY
My Commission Expires Oct. 29, 2022

Office Use Only: Date received: 8/6/2021 Receipt #: 804999

PAID PD \$100.00
CK #10531

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 _____

Letter of Intent
In Support of Request for Variance
1854 Davis Rd, West Falls, NY 14170

This letter of intent is to support the request for a variance to Ordinance Section 116-8.7 G. (2) which requires a side yard setback for a zoned B2 commercial building to be "a distance no less than the side wall height". It is the intention of the Aurora-Colden Fire District No. 6 to build a 60' wide x 40' deep 3 bay steel building for the purpose of storing and securing our off road rescue equipment and apparatus.

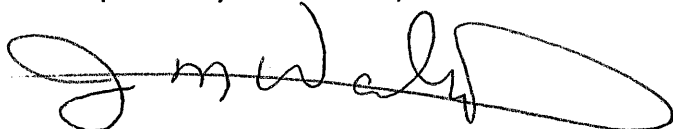
In order to accommodate the length of our existing equipment and apparatus, the building must be 40' in depth with a side wall height of 16'. Based on the current code (116-8.7 G. (2)) we would be required to have a minimum setback of 16' to the adjoining properties to the North and South of 1854 Davis Rd. Since the property is only 51.79' in width, we will require a variance for the setback to both of these adjoining properties.

In an effort to provide the greatest setback to the adjoining residence at 1850 Davis Rd to the North side (which is also zoned B2), it is proposed to have a 0' lot line on the South side of the building bordering 1864 Davis Rd which is also owned by the Aurora-Colden Fire District No. 6. This would allow for 11.79' setback to the residence on 1850 Davis Rd.

The building dimensions and proposed location on the site can be found in the attached survey and building drawings.

Thank you for your consideration.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'James Walczyk', written over a horizontal line.

James Walczyk
Chairman of Board of Fire Commissioners
Aurora-Colden Fire District No. 6

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

TOWN COUNCIL MEMBERS

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sfriess@townofaurora.com

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Ronald P. Bennett

TOWN JUSTICE
Jeffrey P. Markello
Anthony DiFilippo IV

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(716) 652-7944
historian@townofaurora.com

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

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

August 6, 2021

Aurora-Colden Fire District No. 6
1864 Davis Rd
West Falls, NY 14170

The Building Department has reviewed the submittal for the construction of a pole barn at 1854 Davis Rd. The request has been denied because it fails to meet the requirements of the Town of Aurora Code for the Business 2 (B2) zoning district in which it is located.

Section 116-8.7G(2)

Required: Side yard setback for Commercial buildings: a distance no less than the side wall height

Requested: North side yard setback of 11.5' and South side yard setback of 0'

Variance: North side: 4.5 feet and South side: 16'

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 hearing next month. If you have any questions, please contact our office at 652-7591.

Sincerely,

A handwritten signature in black ink, appearing to read 'Elizabeth Cassidy'.

Elizabeth Cassidy
Code Enforcement Officer

**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-21-501

Received: 8/23/21

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** 9/16/2021 **Time** 7:15pm **Location** 575 Oakwood Ave., E. Aurora

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 1854 Davis Rd, PO W. Falls

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

7. Proposed change or use: (be specific) Sideyard setbacks of proposed building are less than allowed by code.

8. Other remarks: (ID#, SBL#, etc.) SBL#199.03-2-7

9. Submitted by: Martha Librock, Town Clerk 08/23/2021

575 Oakwood Avenue, E. Aurora, NY 14052

Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on 8/24/21. 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 E. Gatti* Date: 8/31/21

Short Environmental Assessment Form

Part 1 - Project Information

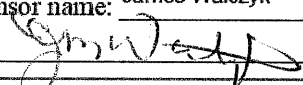
Instructions for Completing

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: Aurora-Colden Fire District No. 6 - Steel Building			
Project Location (describe, and attach a location map): 1854 Davis Rd, West Falls, NY 14170			
Brief Description of Proposed Action: It is the intention of the Aurora-Colden Fire District No. 6 to build a 60' wide x 40' deep 3 bay steel building for the purpose of storing and securing our off road rescue equipment and apparatus.			
Name of Applicant or Sponsor: James Walczyk - Chairman of Board of Fire Commissioners		Telephone: 716-652-1353	
		E-Mail:	
Address: 1854 Davis 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? 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 governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		0.408 acres	
b. Total acreage to be physically disturbed?		0.155 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.384 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" 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			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input 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? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<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? 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: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> 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	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ Gutters will be connected to existing storm drains on the property. _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

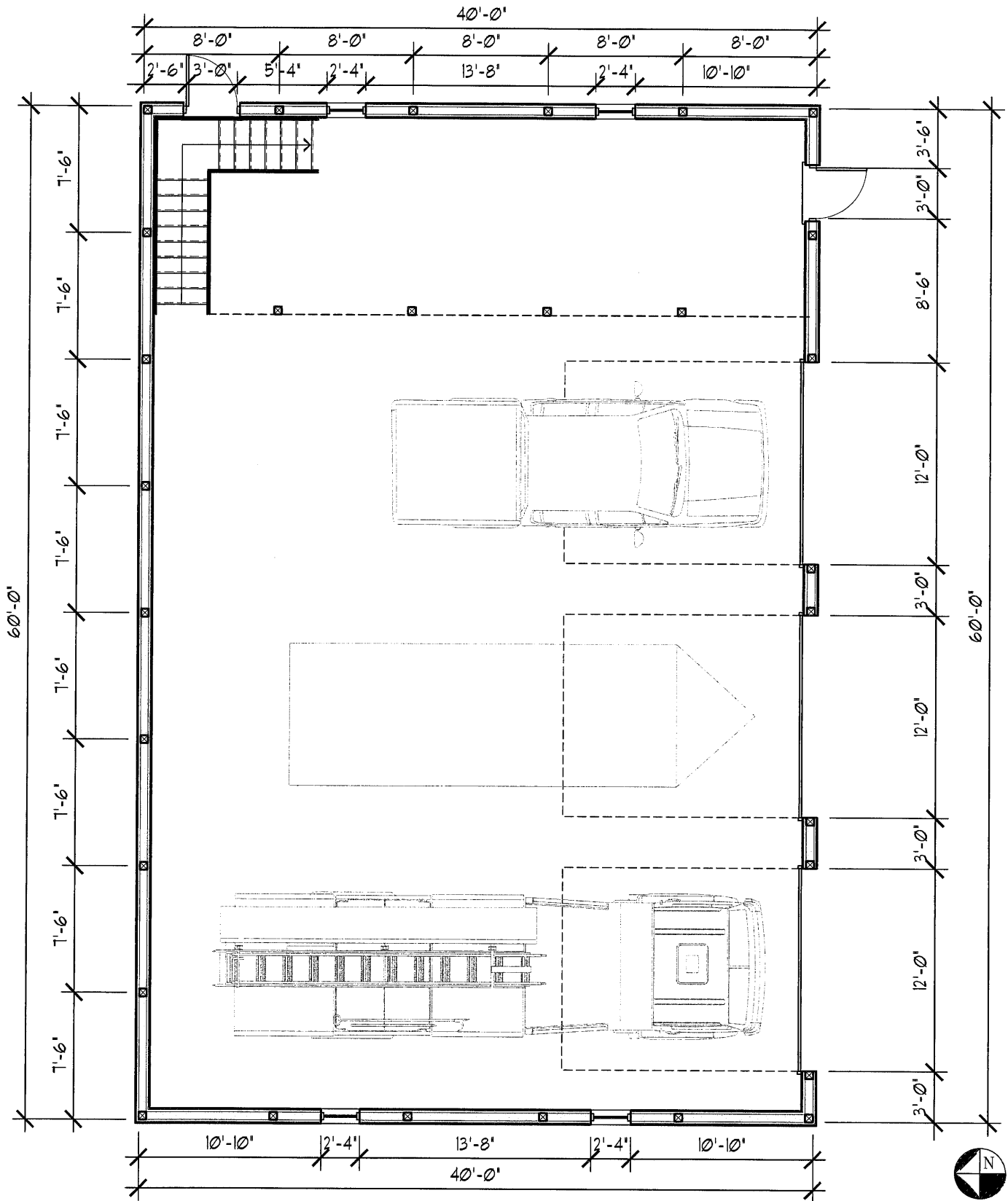
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
19. Has the 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: James Walczyk	Date: 8/3/2021	
Signature: 		



FONTANESE
 FOLTS
 AUBRECHT
 ERNST

 A PROFESSIONAL CORPORATION
 ARCHITECTS

PROJ. NAME: WEST FALLS FIRE COMPANY-RESCUE 7 BUILDING
 TITLE: PROPOSED SITE PLAN
 SHEET NO.: **A-1**
 PROJ. NO.: 21.33 SCALE: 1"=40'-0"
 DATE: 08/03/2021
 6395 WEST QUAKER ST. ORCHARD PARK NEW YORK 14127
 PHONE 716/662-2200 FAX 716/662-0072



FONTANESE
FOLTS
AUBRECHT
ERNST

A PROFESSIONAL CORPORATION
ARCHITECTS

PROJ. NAME: WEST FALLS FIRE COMPANY-RESCUE 7 BUILDING

TITLE: PROPOSED BUILDING FLOOR PLAN

SHEET NO.: **A-2**

PROJ. NO.: 21.33

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

DATE: 08/03/2021

6395 WEST QUAKER ST.
PHONE 716/662-2200

ORCHARD PARK

NEW YORK

14127
FAX 716/662-0072



FONTANESE FOLTS AUBRECHT ERNST <small>A PROFESSIONAL CORPORATION</small> ARCHITECTS	PROJ. NAME: WEST FALLS FIRE COMPANY-RESCUE 7 BUILDING TITLE: PHOTOMONTAGE - VIEW FROM THE STREET PROJ. NO.: 21.33 SCALE:	SHEET NO.: A-3 DATE: 08/03/2021	NEW YORK ORCHARD PARK 14127 PHONE 716/662-2200 FAX 716/662-0072
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Building #1 Specifications

Building Info	Style	Width	Height	Length	Truss Spacing	Roof Pitch	Lower Chord	Peak Height	Soffit Height
	306	60'	16'	40'	8'	4/12	0/12	27' 6.5"	16' 9"

306 60'x16'x40' (#1) - Building Use: Commercial - Storage

Foundation

Morton Foundation System Morton Buildings, Inc. exclusive foundation system. Reinforced precast concrete column with an internal threaded adjustment bracket set in a readi-mix poured footing set below frost depth or a minimum of 4'-0" below building grade. Fastened to a laminated wood column with an internal column connector bracket. Treated Wood splashboard system, mounted at grade to column.

Siding

West, South, East, North wall(s) Fluoroflex™ 1000 Hi-Rib Steel Minimum .019 (Fastened with Stainless Steel Screws)

Wainscot

West, South, East, North with 36" tall Fluoroflex™ 1000 Hi-Rib Steel Minimum .019 wainscot (Fastened with Stainless Steel Screws)

Roof

Hi-Rib Steel Minimum .019 (Fluoroflex™ 1000) (Fastened with EPDM Washer Nails) with Vent-A-Ridge
 Structure has been designed for the future installation of a snow retainage system (but not included at this time).

Overhangs

West, East wall(s) 1' Wide Vented Sidewall Overhang with Standard 6" fascia, 5" Gutters and 3"x4" Downspouts, with elbows at base
 South, North wall(s) 1' Wide Non Vented Endwall Overhang with Standard 6" fascia

Walk Doors

2 A 3' x 6'8" 9 Lite Tempered Glass in Leaf with Embossed Crossbuck Fibersteel Walk Door(s) out-swing right hinge with keyed lever lockset, closer

Windows

2 B 2'4"x4'0" MB Fixed Window(s) with low E glass with argon (Top of window approx. 8' ft above grade)
 2 C 2'4"x4'0" MB Fixed Window(s) with low E glass with argon (Top of window approx. 15' ft above grade)

Overhead Door Opening

3 D 12'0" x 14'0" Overhead Door Opening (Requires a minimum 12' 2" X 14' 1" panel), OHD/ Operator requires 1' 4" Headroom, Available Headroom is 1' 9" , , a set of 8" diameter jamb protectors with plastic post sleeves (yellow with white tape)

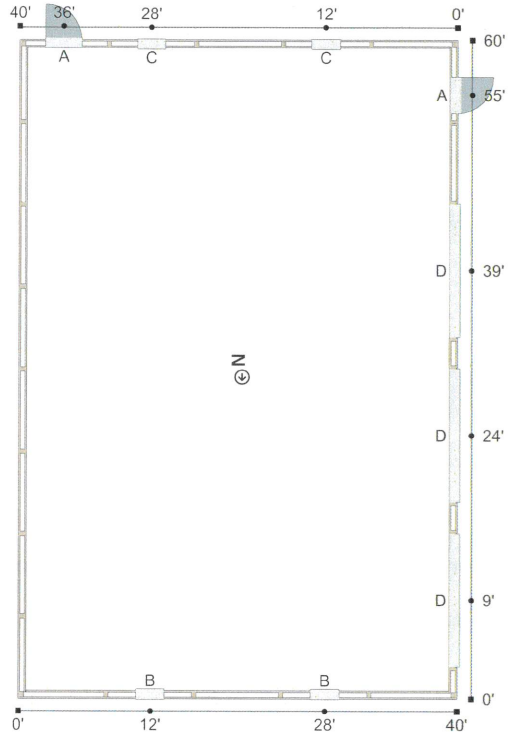
Energy Performer

Ceiling Finish with Hi-Rib Steel (.019 White CQ Polyester Solid) Fastened to Lower Chord

306 60'x16'x40' North and West Walls



306 60'x16'x40' (#1) Column Plan

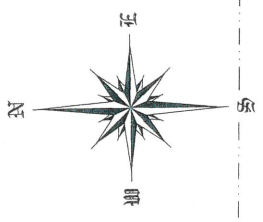


• UNAUTHORIZED ALTERATION OR ADDITION TO ANY SURVEY, DRAWING, DESIGN, SPECIFICATION, PLAN, OR REPORT IS A VIOLATION OF SECTION 7209, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

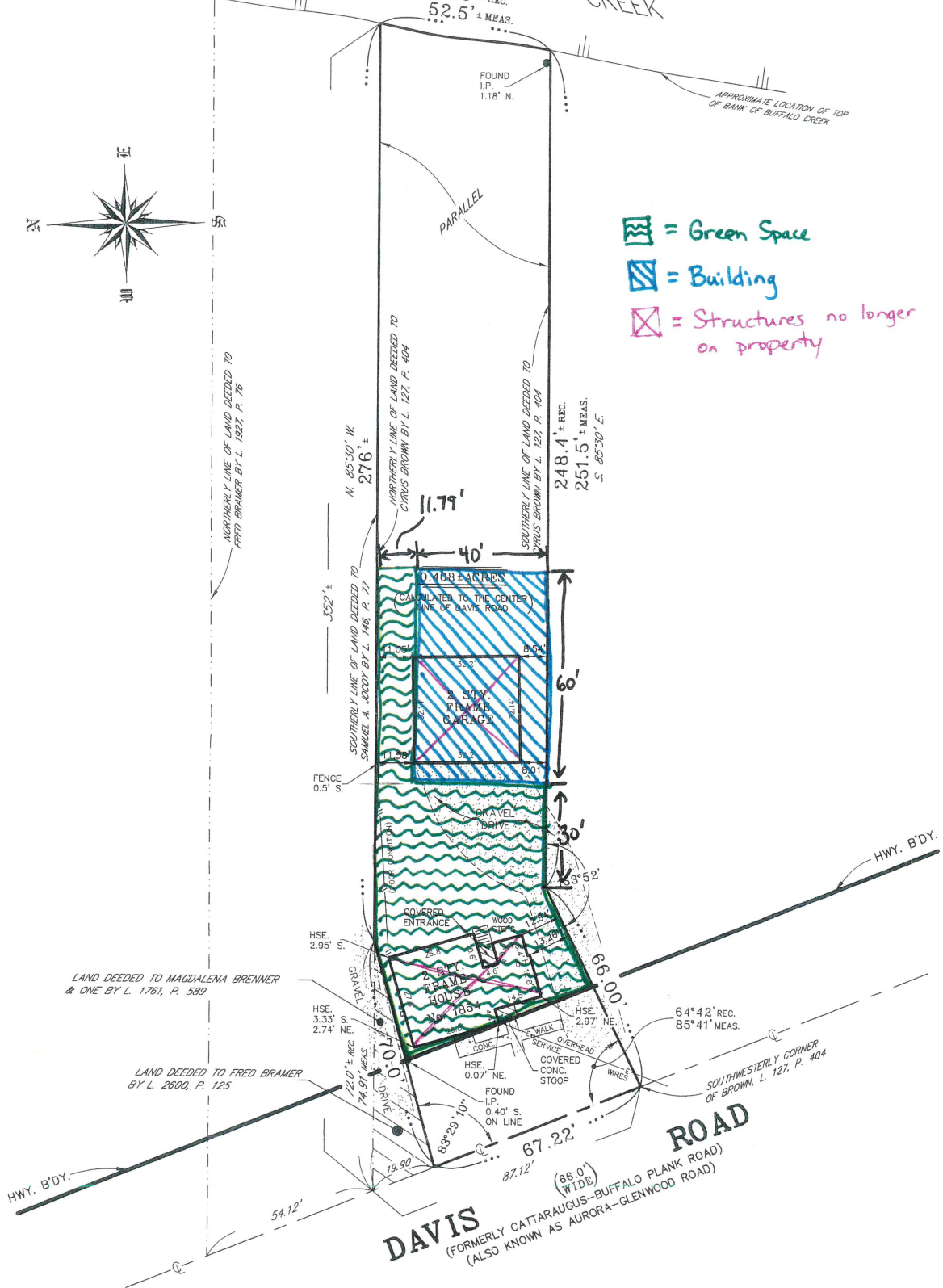
• THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH.

BUFFALO CREEK

54.5' ± REC.
52.5' ± MEAS.



= Green Space
 = Building
 = Structures no longer on property



PART OF L. 49, T. 9, R. 6 • TOWN OF AURORA • COUNTY OF ERIE • STATE OF NEW YORK

- UPDATE / REVISION -		
DATE	JOB	DESCRIPTION

PAUL G. PAGANO, PLS

PROFESSIONAL LAND SURVEYOR

9653 SAVAGE ROAD
HOLLAND, NEW YORK 14080

PHONE & FAX
(716) 537-2170

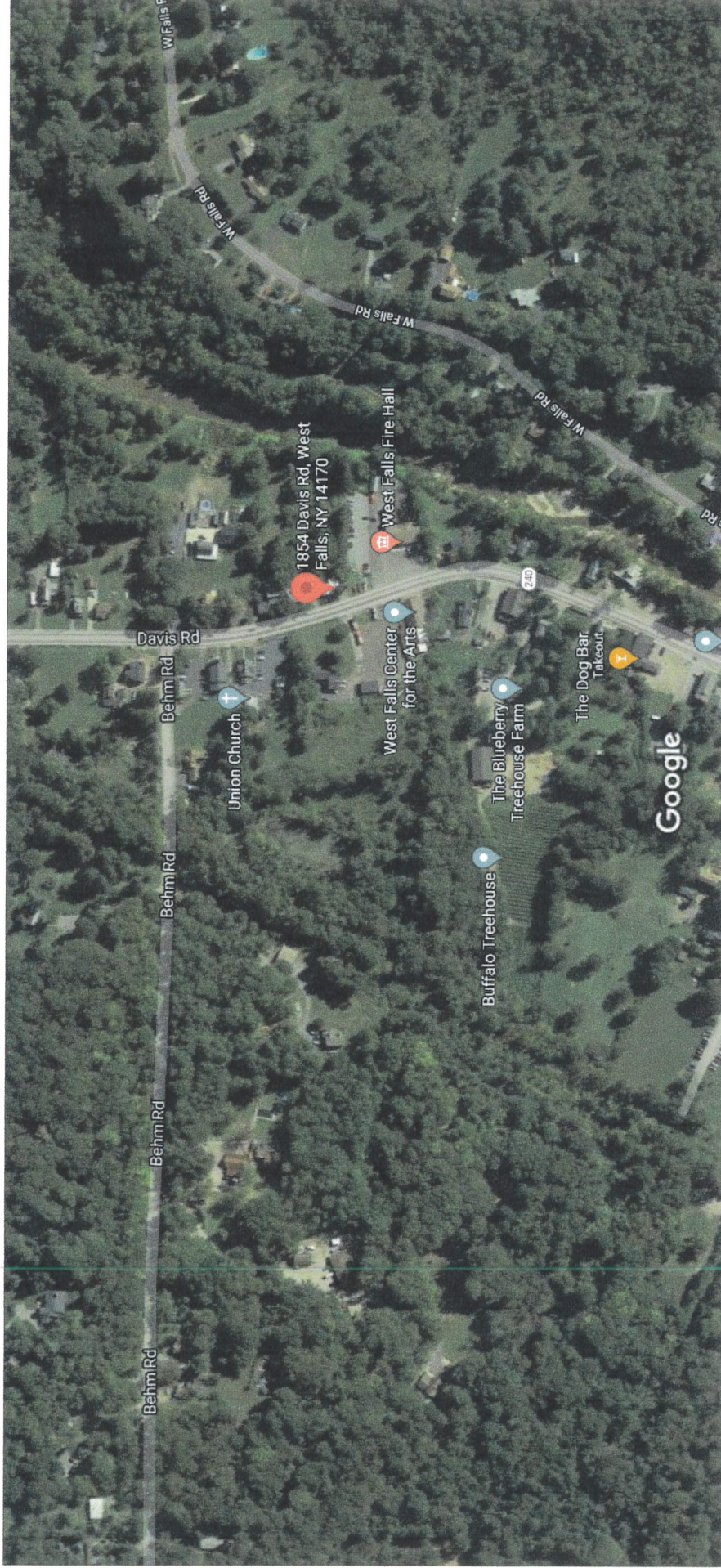
DRAWN BY: SHS SCALE: 1" = 30'

CHECKED BY: PGP DATE: 6/24/13

JOB NO.: 13128 SHEET NO.: C - 460

PAUL G. PAGANO, PLS
LIC No. 050520

Google Maps 1854 Davis Rd





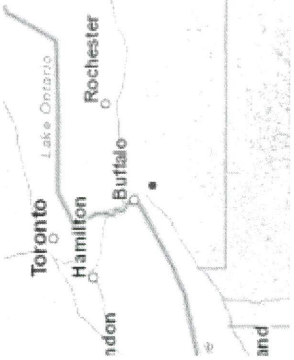
Erie County On-Line Mapping Application

Map
Chart



Legend

- Parcels
- Streets and Highways
 - Interstate
 - Primary State Road
 - Secondary State Road
 - County Road
 - Local Road



0 0.04 0.1 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
THIS MAP IS NOT TO BE USED FOR NAVIGATION

ERIE COUNTY
DEPARTMENT OF ENVIRONMENT & PLANNING
OFFICE OF GIS

This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.



1: 2,257