

OK as to form only

TOWN OF AURORA
Zoning Board of Appeals Request



Building Application # _____
Building Permit # _____

Zoning Appeal Case No. 1207
Date ~~Feb 27, 2014~~ 3/20/14

TO THE ZONING BOARD OF APPEALS, TOWN OF AURORA, NEW YORK

I, (we) Legacy Polo Grounds, LLC of 250 Ramsdell Ave., Buffalo, NY 14216
HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FROM THE DECISION OF THE BUILDING
INSPECTOR on APPLICATION NO. _____ WHEREBY THE BUILDING INSPECTOR DID DENY

TO Legacy Polo Grounds, LLC
Name of Applicant

OF 250 Ramsdell Avenue Buffalo NY 14216
(Street & Number) (Municipality) (State)

- A PERMIT FOR USE
- A VARIANCE FROM ZONING ORDINANCE
- A TEMPORARY PERMIT OR EXTENSION THEREOF
- A CERTIFICATE OF EXISTING USE
- A PERMIT FOR OCCUPANCY

1. LOCATION OF THE PROPERTY 350 Quaker Road
SBL # 175.06-2-1 ZONING DISTRICT R-2

2. PROVISION(S) OF THE ZONING ORDINANCE APPEALED. (Indicate the Article, section, sub-section, and paragraph of the Zoning Ordinance being appealed, by number. Do not quote the Ordinance)
See attached Exhibit A

3. TYPE OF APPEAL. Appeal is made herewith for:
 An interpretation A variance - to the Zoning Ordinance
 An exception A temporary permit

4. A PREVIOUS APPEAL () has has not been made with respect to this decision of the Building Inspector or with respect to this property

NAMES AND ADDRESSES OF OWNERS OF ABUTTING PROPERTIES ARE:
See attached list marked as an exhibit. See attached Exhibit B

STATE OF NEW YORK
COUNTY OF ERIE
City of Buffalo

[Signature]
signature
250 RAMSDELL Ave. Buffalo NY 14216
mailing address

Frank Chinnici of Legacy Polo Grounds, LLC, being duly sworn, deposed and says that he is the petitioner in this action; that he has read the foregoing Request and knows the contents thereof; that the same is true to the knowledge of deponent.

Sworn to before me this 27th
day of February, 2014

Legacy Polo Grounds, LLC [Signature]
by: Frank Chinnici signature

[Signature]
NOTARY PUBLIC

MARIANNE BRAUTLACHT
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 01/14/2018



Town of Aurora
300 Gleed Avenue
East Aurora NY 14052



Zoning Board of Appeals Petitioner's Letter of Intent

Applicants Name Legacy Polo Grounds, LLC
Address 250 Ramsdell Avenue, Buffalo, NY 14216
Telephone 510-4338 - Sean Hopkins, Esq.

Address of appeal 350 Quaker Road
Zoning District R-2
Zoning Code Section Table of District Regulations - Minimum Lot Area

Type of Appeal:
 A PERMIT FOR USE A CERTIFICATE OF EXISTING USE
 A VARIANCE FROM ZONING ORDINANCE A PERMIT FOR OCCUPANCY
 A TEMPORARY PERMIT OR EXTENSION THEREOF

GROUND'S FOR VARIANCE: (may continue on separate sheet)

Exhibit A attached describes requested area variance and justification
pursuant to balancing test and five criteria per NYS Town Law Section
267-b(3)(b).

ACKNOWLEDGMENT:
Pursuant to Section 809 of the New York State General Municipal Law, the appellant shall state in his written appeal that to the best of his knowledge, no state officer or officer or employee of the Town of Aurora, has any interest in the appellant as defined in Section 809 of the General Municipal Law. If this statement cannot be made, the nature of any such interest must be disclosed as required by said State Law

Petitioners Signature [Signature] Date Feb. 27, 2014
Owners Signature [Signature] Date Feb. 27, 2014

EXHIBIT A

I. DESCRIPTION OF REQUESTED AREA VARIANCE:

The Applicant is seeking an area variance from the Zoning Board of Appeals (“ZBA”) to allow the previously approved allocation of single family units and two family units as approved in 2007 for the Legacy Polo Grounds Project to be adjusted to increase the number of single family units with a corresponding decrease in the number of approved two family units.

On April 9, 2007, the Town Board granted Final Plat Approval for the clustered Polo Grounds Project. A copy of the approved Final Plat is attached as Exhibit “C”. The density of the approved clustered project was 47 residential units. The Applicant is not seeking an area variance to increase the approved overall density of 47 residential units. At the time the Town Board granted Final Plat Approval on April 9, 2007, the layout for the clustered subdivision consisted of 13 single family units and 17 two family units.

Pursuant to the Table of District Regulations for the Town of Aurora Zoning Ordinance, the minimum lot size for single family units with water and sewer connections is 16,000 sq. ft. and the minimum lot for two family units is 20,000 sq. ft. On February 19, 2013, the Town issued a letter to the Applicant indicating that the approved maximum density for the clustered subdivision consists of 13 single family units and 17 two family units. A copy of this letter is attached as Exhibit “E”. The letter issued by the Town on February 19, 2013 references the Buildable Land Calculation Table submitted by the Applicant’s engineering firm on May 24, 2007.

A copy of the Buildable Land Calculation prepared by Greenman-Pedersen, Inc. as submitted to the Town on May 24, 2007 indicating the allowable total buildable land for the clustered project was 560,298 sq. ft. is attached as Exhibit "F" and a chart indicating the total buildable land needed per the Table of District Regulations for 13 single family units and 17 two family units is 548,000 sq. ft. is attached as Exhibit "G". The chart provided at Exhibit "G" also provides the required buildable land area for other possible combinations of single family and two family units.

As the approved clustered Project has been built-out during the past few years, there has been greater demand for single family units than two family units. There are currently 15 single family units and 7 two family units located on the Project Site. A copy the most recently updated as-built survey for the project site as prepared by Greenman-Pedersen, Inc. is attached as Exhibit "D".

The Applicant currently has contracts for two more single family units and there is currently very little demand for two family units. As such, the Applicant is requesting that the breakdown of single family units and two family units be modified to allow 23 single family units and 12 two family units, which does not alter the overall permitted density of 47 units.

Based on the required minimum lot area for single family units and two family units, the required total buildable land area for 23 single family units and 12 two family units is 608,000 sq. ft. [23 single family units x 16,000 sq. ft. = 368,000 sq. ft. plus 12 two family units x 20,000 sq. ft. = 240,000 sq. ft.]. Based on above calculation, the Applicant is requesting an area variance to allow the buildable land area utilized for clustered subdivision to be increased from 548,000 sq. ft. to 608,000 sq. ft., an increase of 50,000 sq. ft., or 9.1%.

II. JUSTIFICATION FOR REQUESTED AREA VARIANCE PURSUANT TO THE STATUTORY MANDATED BALANCING TEST AND FIVE CRITERIA CONTAINED IN NYS TOWN LAW §267-b(3)(b)

NYS Town Law §267-b(3)(b) sets forth a statutorily mandated balancing test to be considered by zoning board of appeals in connection with its review of a request for area variances. The statutorily mandated balancing test requires a zoning board of appeals to balance the benefits that will be realized if the requested area variance is granted against the resulting detriments to the health, safety and welfare of the community.

The granting of the requested area variance will result in substantial benefits to Applicant without any resulting detriments to the health, safety and welfare of the community. The substantial benefits that would be received by Applicant if the ZBA grants the requested area variance include the following:

- 1.) The Applicant will be able to construct additional single family units on the Project Site for prospective purchasers that are interested in building new single family units in the Polo Grounds Project. As mentioned previously, the Applicant is not proposing to increase the overall approved density of 47 units.
- 2.) The build-out of the Project Site will be completed quicker since there is currently much higher demand for single family units than two family units.

The granting of the requested area variance to allow the approved allocation of residential units to be adjusted so that more single family units can be constructed on the project site will not result in any detriments to the health, safety and welfare of the community. The granting of the requested area variance will not increase the density of the approved Project nor will it result in any additional impervious surfaces on the project such as roadways or any loss of green space.

In applying the statutorily mandated balancing test set forth above, NYS Town Law §267-b(3)(b) requires a zoning board of appeals to consider the following five criteria:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the requested area variance?

The granting of the requested area variances by the ZBA will not create an undesirable change in the character of the neighborhood or a detriment to nearby properties. The only change that will result from the granting of the requested area variance is an increase of the number of allowed single family units without any increase in overall approved overall density of 47 residential units.

2. Whether the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue, other than an area variance?

The benefit the Applicant is seeking to receive from the requested area variance is the ability to construct additional single family units without any increase in the approved overall density of 47 residential units. It would not be possible for the Applicant to obtain the benefits it is seeking in the absence of the requested area variance being granted by the ZBA since it is not feasible for the Applicant to decrease the overall approved density of 47 residential units without there such a reduction resulting in any decrease in the development costs for the Project including the substantial expenditures incurred to construct roadways and related infrastructure.

3. Whether the requested area variance is substantial?

The requested area variance is not substantial. The requested area variance will result in only a 9.1% increase of the approved Buildable Land Area calculation and the sole reason the area variance is needed is because the Table of District Regulations for the Town of Aurora Zoning Ordinance, requires additional minimum area for 2 single family units as compared to a single two family unit [32,000 sq. ft. vs. 20,000 sq. ft.].

The reason the magnitude of the variance is relevant is that, generally, the larger the difference the more likely it is that a negative effect would be generated. See Matter of Human Development Services of Port Chester v. Zoning Board of Appeals of the Village of Port Chester, 110 A.D.2d 135, aff'd, 67 N.Y.2d 702. However, in any particular case, the facts may demonstrate that while a variance may seem noteworthy on paper, no negative effect would be produced and, accordingly, the sought-after variance should be granted.

For example, in Matter of Frank v. Scheyer, 227 A.D.2d 558, 642 N.Y.S.2d 956 (2d Dept. 1996), the parcel was 19,983 square feet. However, the zoning code required a minimum lot size of one acre or 43,560 square feet. The variance at issue was more than 54%. Nevertheless, based the facts presented, no harm would befall the community and the Court directed the zoning board of appeals to grant the application. The Court took similar action in Matter of Shaughessy v. Roth, 204 A.D.2d 333, 611 N.Y.S.2d 281 (2d Dept. 1994), in which the premises contained 50 feet of frontage and 5,000 square feet of area. The zoning code required 80 feet of frontage and a minimum lot size of 10,000 square feet. Accordingly, the application concerned a 50% reduction in lot area coupled with a second area variance seeking a 62.5% reduction from the required frontage. Nevertheless, based on the facts in the record, the Court directed the respondents to issue the variances. Additionally, in Matter of Sasso v. Osgood, 86 N.Y.2d 374 (1995), the applicant sought area variances for a 60% reduction in lot area and a 50% reduction in lot width. Based on all of the facts presented, the Court of Appeals, our State's highest court, overturned the holding of the appellate court and directed that the requested area variances be granted.

Merely because a variance may seem noteworthy on paper (which the requested area variance does not) does not mean that any “harm” would be generated on the surrounding community, and it is “harm” that is balanced against the interest of the applicant according to the Town Law §267-b(3) test. As mentioned previously, the requested area variance will not result in any “harm” on the surrounding community. Instead, the requested area variance is being sought simply to allow the approved allocation of the number of single family units to be increased without any increase in the overall approved density of 47 residential units.

It is the position of the Applicant that if the requested area variances are properly viewed as required by the cases discussed above, it is clear that the requested area variances are not substantial since they will not result in harm to the community.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood.

The granting of the requested area variances will not have any adverse effects or impacts on physical or environmental conditions in the neighborhood. A Short Environmental Assessment Form has been attached to this Variance Application. The Town has already conducted an extensive environmental review of the approved clustered Project pursuant to SEQRA and this resulted in the issuance of a negative declaration based on a determination that the Project would not result in any potentially significant adverse environmental impacts.

It is clear that the granting of the requested area variance will not have any adverse effects or impacts on the physical or environmental conditions in the neighborhood since it will simply result in an increase in the number of allowable single family units without any increase in the approved overall density of 47 units.

5. Whether the alleged difficulty was self-created?

Town Law §267-b(3)(b) expressly states that the issue of whether an alleged difficulty is self-created cannot be utilized as the sole criteria in determining whether to grant a requested area variance.

It is the position of the Applicant that the alleged difficulty that has resulted in the need for the requested area variances is not self-created since the fact that seven years after the clustered Project was approved there is greater demand for single family units than was foreseeable in 2007 is not a self-created difficulty. Nonetheless, even if the ZBA determines that the alleged difficulty is self-created, the granting of the requested area variance is justified based on a proper application of the balancing test and the evidence demonstrating the other four criteria as cited above weigh in favor of the requested area variance being granted.

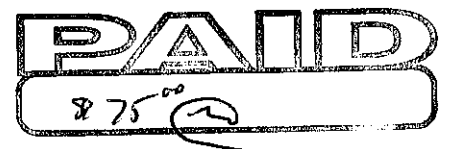
III. CONCLUSION:

The Applicant requests that the ZBA grant the requested area variance to allow the allocation of single family units and two family units be modified to allow 23 single family units and 12 two family units.

The benefits that will be received by Applicant if the requested area variance is granted clearly outweigh any resulting detriments per the statutorily mandated balancing test and the Applicant is not aware of any detriments associated with the granting of the requested area variance.

Zoning Appeal Case # 1208
Approved/Denied Date

Hearing Date



ZONING BOARD OF APPEALS
TOWN OF AURORA, ERIE COUNTY, NY
SPECIAL USE PERMIT APPLICATION

TO THE ZONING BOARD OF APPEALS:

The undersigned hereby applies to the Zoning Board of Appeals for a special use permit pursuant to Article VI, Section 116-61C, of the Zoning Ordinance of the Town of Aurora affecting the following described premises in manner and on grounds here-in-after set forth:

Owner: Brian Barlow
Address: 794 Center St.
Agent: _____
Address: _____
Contractor: _____

GENERAL INFORMATION

1. Location of property: 794 Center SBL# 187.02-1-32 Zone R)
2. State present use: Residential
3. State the nature of the permission requested: Chickens
4. ATTACH recent copy of SURVEY of property.
5. ATTACH DETAILED PLANS showing site, elevations and plans of structures and accessory use areas and landscaped development of the entire parcel devoted to the Special Permit use.

APPLICANT'S ALLEGATIONS

The applicant alleges that the proposed Special Permit use:

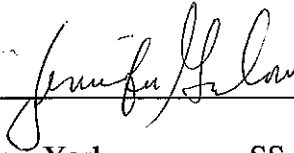
1. would be in harmony with the orderly development of the district in which it is located because: area is more rural area, though zoned residential.
2. and that it would not be detrimental to the property or persons in the neighborhood because: coop located in center of property not directly at either neighbor
3. and that it would not increase the traffic flow in the area to the extent that traffic safety would be endangered because; Personal use only
4. and furthermore that it would conform to the standards as prescribed by the Town Board so as to promote the general health and welfare of the community and preserve the property values thereof.

OTHER INFORMATION REQUIRED

1. The undersigned further states that no rezoning or other matter relating to said property or the proposed use has been recently or is now the subject of proceedings before the Zoning Board of Appeals, Town Board or Planning Board of the Town of Aurora, except as follows: _____
2. If application signed by agent a statement by the owner of the site stating that he approves of and is a party to the proposed special use application must be provided.

Receipt # 040893
3/19/14 75.00
ch# 1372 (2)

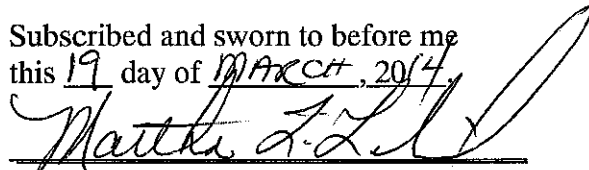
The undersigned solemnly swears that all statements made herein are true and that all drawings submitted correctly show the situation involved in this appeal. Herewith, the sum of **\$75.00**, which incorporates the cost of Zoning Board Fee. Further, it is understood that additional information may be required by the Zoning Board of Appeals of the Town of Aurora, NY.

Signature: 

Address: 794 Center St.
East Aurora, NY 14052

State of New York SS.:
County of Erie
Town of Aurora

Subscribed and sworn to before me
this 19 day of MARCH, 2014.


Notary Public

MARTHA L. LIBROCK
COMM. #01LI5028312
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES MAY 31, 2014

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.: _____

Received: _____

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** 4/17/2014 **Time** 7:00pm **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 794 Center Street, E. 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

7. Proposed change or use: (be specific) Chickens in a Residential (R1) District

8. Other remarks: (ID#, SBL#, etc.) SBL#187.02-41-32

9. Submitted by: Martha L. Librock, Town Clerk April 2, 2014

300 Glead Avenue, E. Aurora, NY 14052

Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on _____. 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: _____ Date: _____

617.20
Appendix B
Short Environmental Assessment Form

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: <p style="text-align: center; font-size: 1.2em;">Raising egg laying chickens</p>			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action: <p style="text-align: center; font-size: 1.2em;">To keep chicken coop with 6-8 hens and 1 rooster for egg laying for personal use.</p>			
Name of Applicant or Sponsor: <p style="text-align: center; font-size: 1.2em;">Brian + Jennifer Garlow</p>		Telephone: 860-2824	
Address: <p style="text-align: center; font-size: 1.2em;">794 Center St.</p>		E-Mail:	
City/PO: <p style="text-align: center; font-size: 1.2em;">East Aurora</p>		State: <p style="text-align: center; font-size: 1.2em;">NY</p>	Zip Code: <p style="text-align: center; font-size: 1.2em;">14052</p>
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 checked="" 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 checked="" type="checkbox"/> YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? <p style="text-align: center; font-size: 1.2em;">2</p> acres			
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) R1 <input type="checkbox"/> Forest <input 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 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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) 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 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? If the proposed action will exceed requirements, describe design features and technologies: <i>N/A</i>	NO	YES	
	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: <i>N/A</i>	NO	YES	
	<input checked="" type="checkbox"/>	<input 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"/>	
	<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"/>	
	<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 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: _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input 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	YES
	<input checked="" type="checkbox"/>	<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	YES
	<input checked="" type="checkbox"/>	<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	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Jennifer Garlow</u>		Date: <u>2-11-14</u>
Signature: <u>Jennifer Garlow</u>		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT

March 5, 2014

Town of Aurora
300 Glead Avenue
East Aurora, NY 14052

Re: Chicken coop at 794 Center Street


To whom this may concern:

I have been informed that my neighbors, Brian and Jennifer Garlow are interested in raising chickens on their property at 794 Center Street.

I would like to acknowledge to the town that I have no objections to the Garlow's raising chicken as long as they;

- 1) Make effort to keep the chickens on their property.
- 2) Have no more than one rooster (although I would prefer none at all).
- 3) Have no more than a dozen chickens' total.
- 4) **Do not keep** the manure by our shared side property line. Their property goes deeper, so they could easily keep the manure beyond the 300' of depth we share between us.

I may be reached at 652-3904 if more is needed.

Sincerely,

Marybeth J. Petersen
810 Center St.
East Aurora, NY 14052

Petitioner: Brian Garlow
794 Center St
East Aurora NY 14052

SBL#: 187.02-1-32

=====

Abutting Properties:

Mailing Address (if different)

SBL: 187.02-1-40

Gregg Searl
Robert Searl Jr
Steven Searl
VL Hubbard

124 Summit Dr
Rochester, NY 14620

SBL: 187.02-1-33.1

Dina & Brian Bakalik
780 Center St
East Aurora, NY 14052

SBL: 187.02-1-31.1

Marybeth Peterson
810 Center St
East Aurora, NY 14052

SBL: 187.02-1-30.11

Walter Harbison
816 Center St
East Aurora, NY 14052

SBL: 187.02-1-5

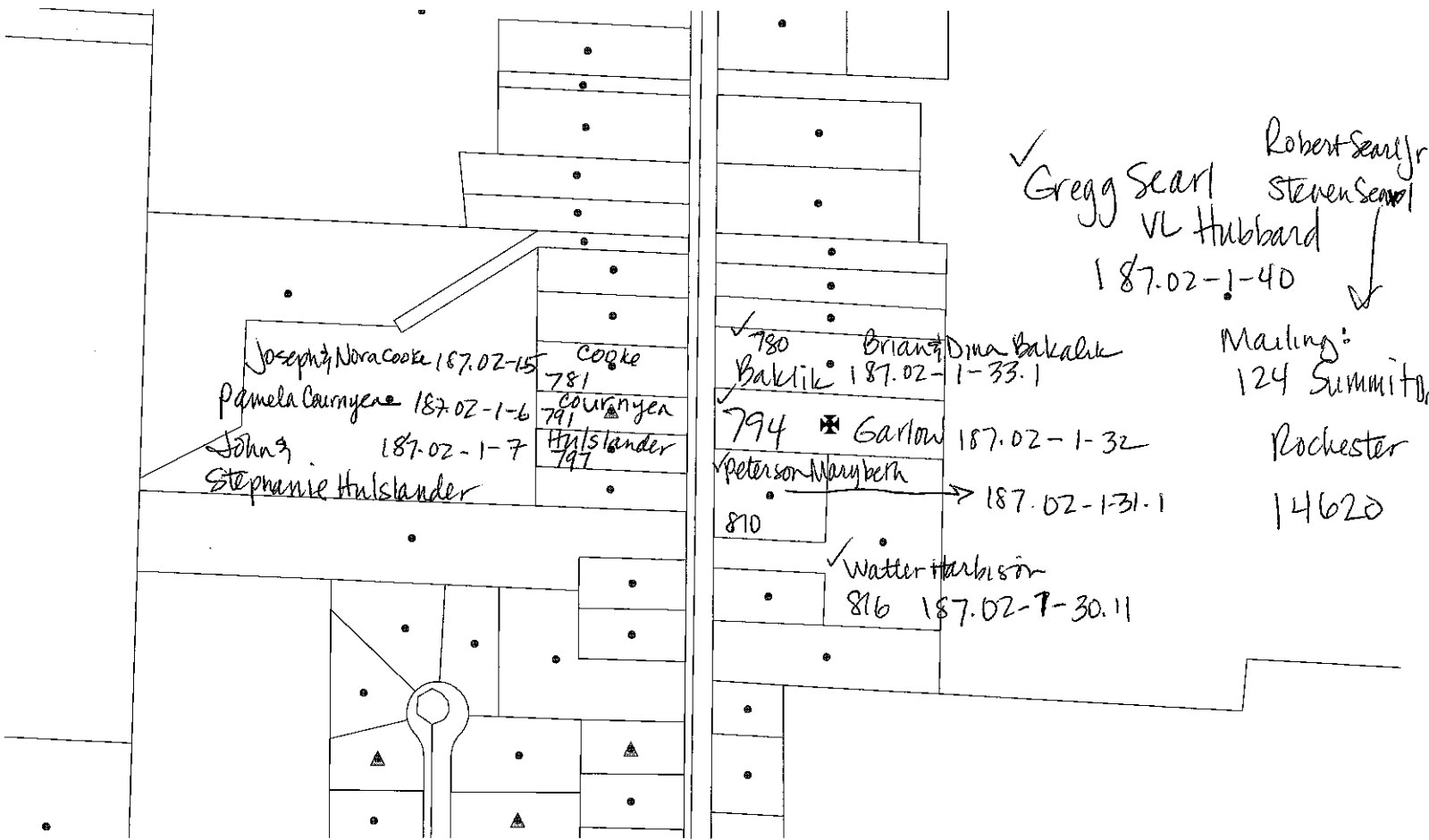
Nora & Joseph Cooke
781 Center St
East Aurora, NY 14052

SBL: 187.02-1-6

Pamela Cournyea
791 Center St
East Aurora, NY 14052

SBL: 187.02-1-7

Stephanie & John Hulslander
797 Center St
East Aurora, NY 14052



Joseph & Nora Cooke 187.02-15

Pamela Courmyer 187.02-1-6

John 187.02-1-7

Stephanie Hulstander

Cooke
781
Courmyer
791
Hulstander
797

780 Brian & Dina Bakalik
Bakalik 187.02-1-33.1

794 * Garlow 187.02-1-32

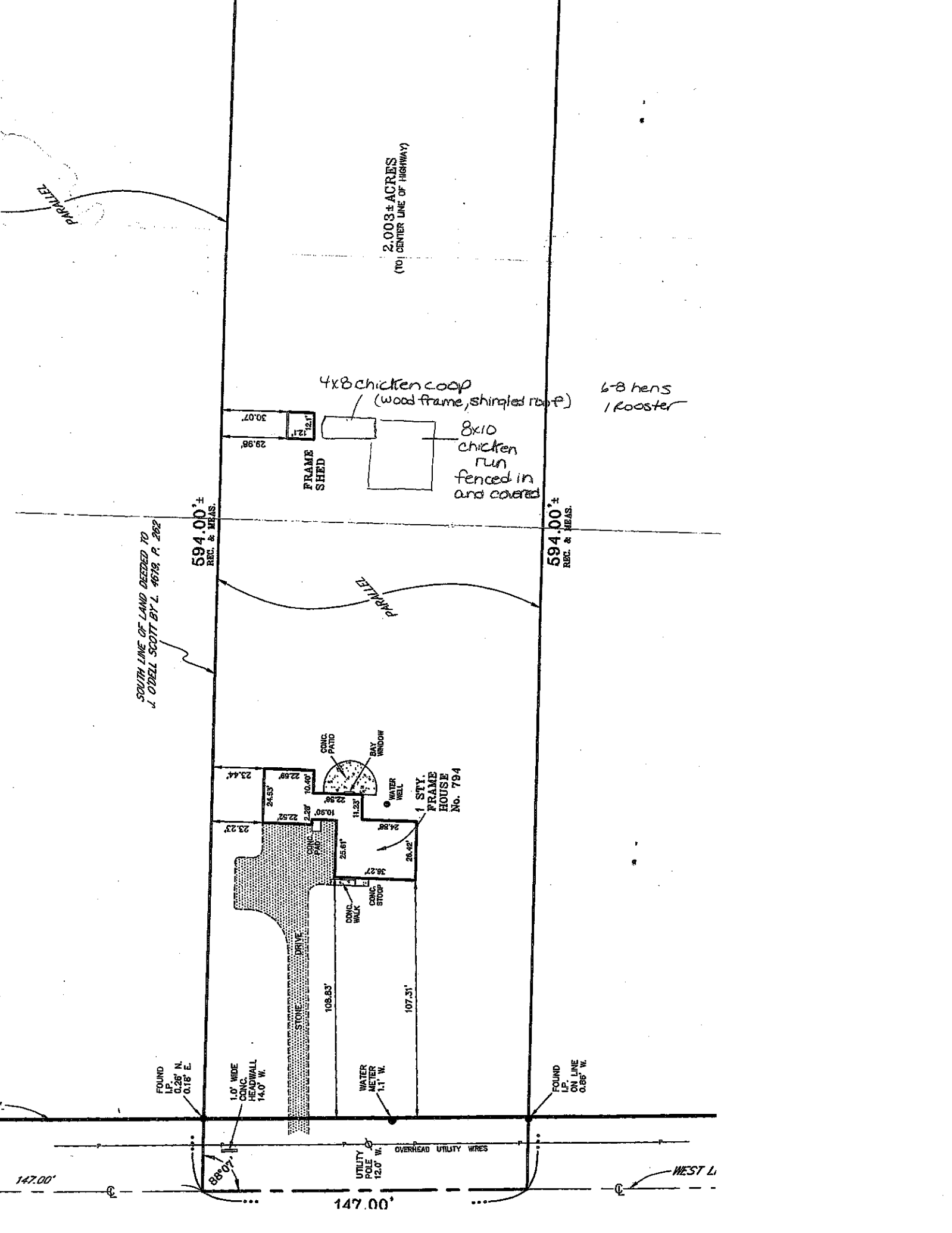
Peterson Marybeth → 187.02-1-31.1
810

Walter Harkison
816 187.02-7-30.11

✓ Gregg Searl
VL Hubbard
187.02-1-40

Robert Searl Jr
Steven Searl

Mailing:
124 Summit St.
Rochester
14620



2.003 ± ACRES
(TO CENTER LINE OF HIGHWAY)

4x8 chicken coop
(wood frame, shingled roof)

6-8 hens
1 Rooster

FRAME SHED

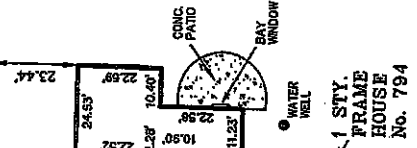
8x10
chicken
run
fenced in
and covered

SOUTH LINE OF LAND DEEDED TO
J. ODELL SCOTT BY L. 4619, P. 262

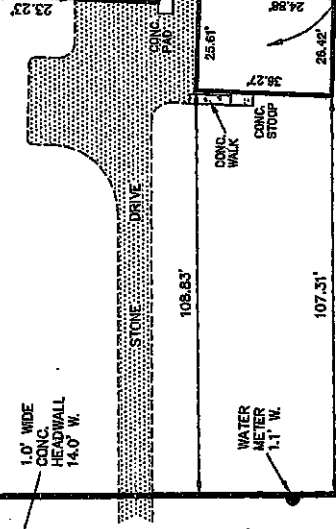
594.00' ±
REC. & MEAS.

594.00' ±
REC. & MEAS.

PARALLEL



1 STY.
FRAME
HOUSE
No. 794



FOUND
I.P.
0.26' N.
0.18' E.

1.0' WIDE
CONC.
HEADWALL
14.0' W.

WATER
METER
1.1' W.

FOUND
I.P.
ON LINE
0.66' W.

147.00'

147.00'

WEST L.

UTILITY POLE 12.0' W. OVERHEAD UTILITY WIRES

PAID
7500

OK as to form only

TOWN OF AURORA
Zoning Board of Appeals Request

Building Application # _____
Building Permit # _____

Zoning Appeal Case No. 1209
Date 4-17-2014

TO THE ZONING BOARD OF APPEALS, TOWN OF AURORA, NEW YORK

I, (we) Susan Johnson AAF Michael of Tunkey & Elaine Chow
HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FROM THE DECISION OF THE BUILDING INSPECTOR on APPLICATION NO. _____ WHEREBY THE BUILDING INSPECTOR DID DENY

TO Michael Tunkey and Elaine Chow
Name of Applicant

OF 1660 Sweet Rd, East Aurora, N.Y.
(Street & Number) (Municipality) (State)

- A PERMIT FOR USE
- A VARIANCE FROM ZONING ORDINANCE
- A TEMPORARY PERMIT OR EXTENSION THEREOF
- A CERTIFICATE OF EXISTING USE
- A PERMIT FOR OCCUPANCY

1. LOCATION OF THE PROPERTY Blakeley Rd
SBL # 188.00-1-5.1 ZONING DISTRICT A

2. PROVISION(S) OF THE ZONING ORDINANCE APPEALED. (Indicate the Article, section, sub-section, and paragraph of the Zoning Ordinance being appealed, by number. Do not quote the Ordinance)
116-18 A (1) and 116-4

3. TYPE OF APPEAL. Appeal is made herewith for:
 An interpretation A variance - to the Zoning Ordinance
 An exception A temporary permit

4. A PREVIOUS APPEAL () has has not been made with respect to this decision of the Building Inspector or with respect to this property

NAMES AND ADDRESSES OF OWNERS OF ABUTTING PROPERTIES ARE:

See attached list marked as an exhibit.

STATE OF NEW YORK
COUNTY OF ERIE
Town of Aurora

Susan J Johnson
signature
1660 Sweet Rd E.A 14052
mailing address

Susan J. Johnson, being duly sworn, deposed and says that she is the petitioner in this action; that she has read the foregoing Request and knows the contents thereof; that the same is true to the knowledge of deponent.

Sworn to before me this 28th
day of March 2014

Martha L. Libroch
NOTARY PUBLIC

MARTHA L. LIBROCK
COMM. #01LI5028312
QUALIFIED IN ERIE COUNTY
MY COMMISSION EXPIRES MAY 31, 2018

[Signature]
signature

RI # 7500
Ch # 6380
Rept # 040901

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.: _____

Received: _____

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** 4/17/2014 **Time** 7:00pm **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 SBL#188.00-1-5.1 Blakeley Rd

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) Accessory building (garage) in front yard of residence

8. Other remarks: (ID#, SBL#, etc.) SBL#188.00-1-5.1

9. Submitted by: Martha L. Librock, Town Clerk April 2, 2014

300 Glead Avenue, E. Aurora, NY 14052

Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on _____. 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: _____ Date: _____



Town of Aurora
 300 Glead Avenue
 East Aurora NY 14052



Zoning Board of Appeals Petitioner's Letter of Intent

Applicants Name Michael Tunkey & Elaine Chew
 Address 11660 Sweet Rd
 Telephone 655-0858

Address of appeal Blakeley Rd
 Zoning District A
 Zoning Code Section _____

Type of Appeal:

- A PERMIT FOR USE A CERTIFICATE OF EXISTING USE
 A VARIANCE FROM ZONING ORDINANCE A PERMIT FOR OCCUPANCY
 A TEMPORARY PERMIT OR EXTENSION THEREOF

GROUND'S FOR VARIANCE: (may continue on separate sheet)

see attached

ACKNOWLEDGMENT:

Pursuant to Section 809 of the New York State General Municipal Law, the appellant shall state in his written appeal that to the best of his knowledge, no state officer or officer or employee of the Town of Aurora, has any interest in the appellant as defined in Section 809 of the General Municipal Law. If this statement cannot be made, the nature of any such interest must be disclosed as required by said State Law

Petitioners Signature Susan Johnson Date 3/29/14
 Owners Signature _____ Date _____

To Whom It May Concern at the Town of Aurora:

Michael Tunkey and Elaine Chow, owners of the property at Blakeley Corners Rd, allow Susan Johnson to act as their representative agent regarding the property at Blakeley Corners.

Sincerely,

Michael Tunkey and Elaine Chow

Susan Johnson, as agent for Michael Tunkey and Elaine Chow, for a variance from zoning ordinance allowing an accessory building (future garage B-2 and possible future addition B-3) to be constructed closer to the road than the dwelling as part of planning for the New Construction of a residence at Blakeley Corners, East Aurora.

Grounds for Variance

Due to the unique configuration of the site on a corner bend in the road, yet not a corner lot, we are requesting an accessory building (future garage B-2 and possible future addition B-3) to be constructed closer to the road than the dwelling. The sloping nature of the site influences the driveway and subsequently the garage location. Additionally, since the property is exposed from multiple sides without a true front yard, the garage placement assists in creating a more private backyard/courtyard zone in relationship to the primary residence.

For safe access to the property, due to the bend in the road and nature of the hill, the driveway is best located on the upper part of the property towards what will be the side yard. The code defines the front yard as the space perpendicular to the driveway, but in this case, that space is the side yard. The front of the house faces down the hill, but a drive way approaching from that direction would be very long and quite steep.

It might be helpful to note that the next door neighbors, uphill from our property, have an example of the driveway perpendicular to the "front" of the house, and the garage in front of the house on that same side.

We feel that locating the garage closer to the road than the dwelling will not negatively impact the community. Other properties in the area have accessory buildings that reverse the standard relationship between primary dwelling and main road.

The primary dwelling has not yet been submitted for New Construction permitting but before we submit the final design, we felt it was prudent to have the accessory building location pre-approved in regards to the zoning ordinance.

Thank you for your consideration,

Susan Johnson for Michael Tunkey and Elaine Chow

SUPERVISOR
JOLENE M. JEFFE
(716) 652-7590
jjeffe@townofaurora.com



TOWN CLERK
MARTHA L. LIBROCK
(716) 652-3280
townclerk@townofaurora.com

TOWN OF AURORA
5 South Grove Street, East Aurora, NY 14052
www.townofaurora.com

Michael Tunkey & Elaine Chow
1660 Sweet Rd.
East Aurora, N.Y. 14052

3/31/2014

Re: variance for accessory buildings @ SBL# 188.00-1-5.1

Michael & Elaine,


The Building Dept has reviewed your site plan for a single family home with two accessory structures at the above referenced vacant lot on Blakeley Rd. We have referred you to the Zoning Board of appeals because your fails to meet the requirements as stipulated by the Town of Aurora Code 116-18A(1) & 116-4 (Definitions).

Required: no buildings in front of the Main Building

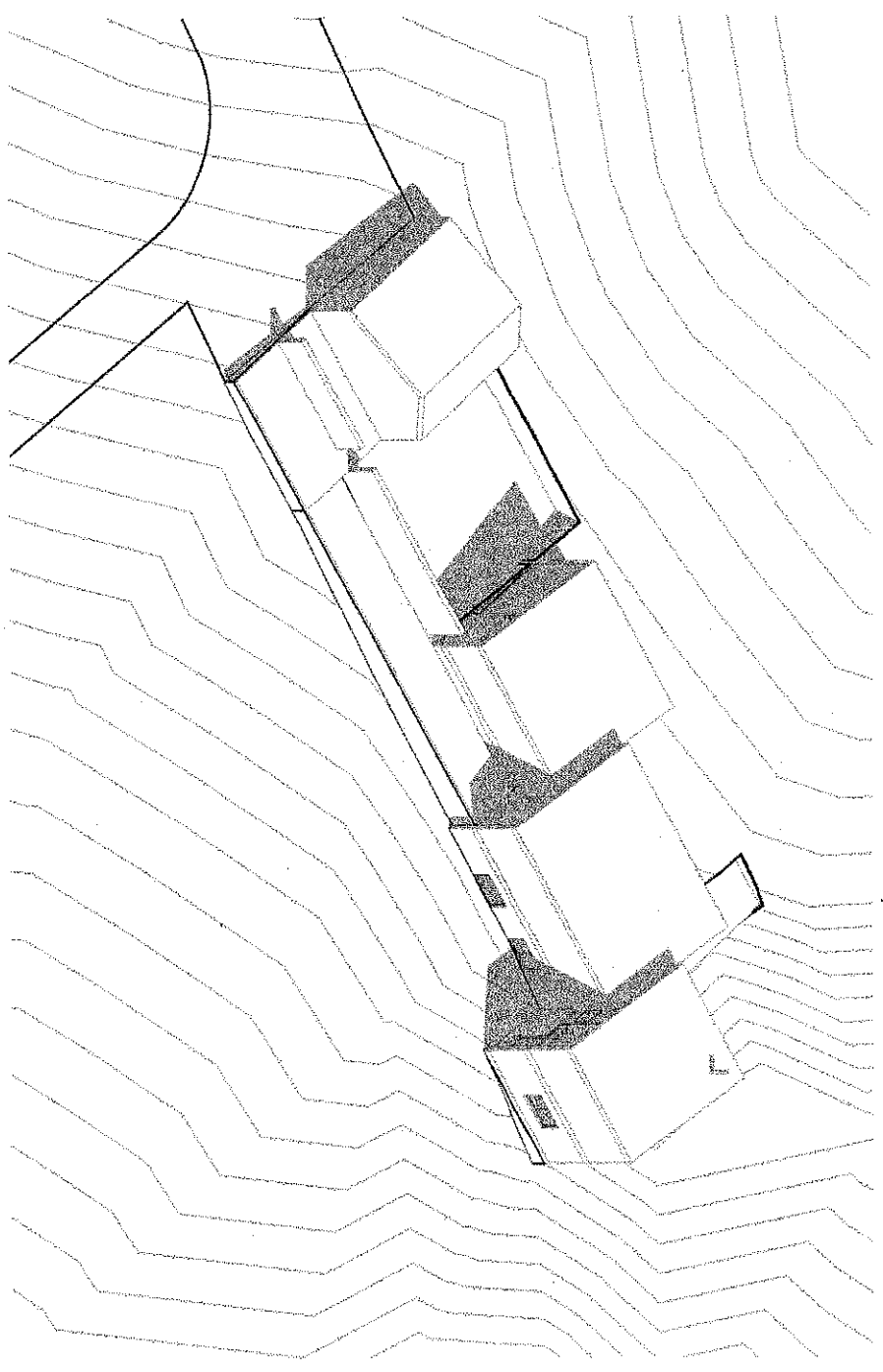
Requested: building in the front yard

Variance: accessory building in the front yard.

If you wish to pursue this matter further you must apply to the Town of Aurora Zoning Board of Appeals for an Area Variance. You must include your application, application fee, a letter to the ZBA members explaining your difficulty, and any information 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

1 Garage to House



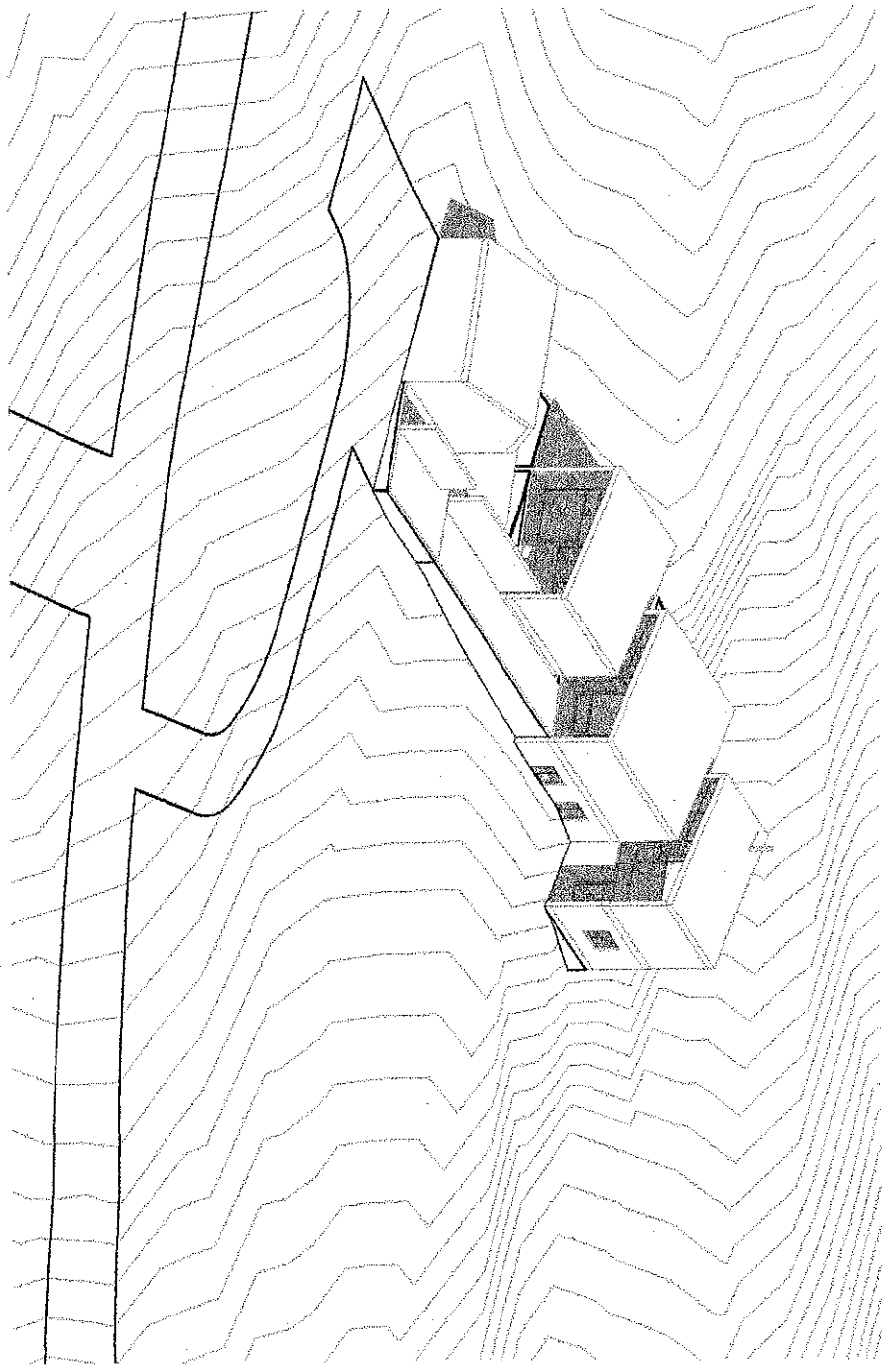
BLAKELEY CORNERS RESIDENCE

Garage

Scale:

Project number	000000.00	
Date	05/19/2014	
Drawn by	Author	
Checked by	Checker	

1
Road



BLAKELEY CORNERS RESIDENCE

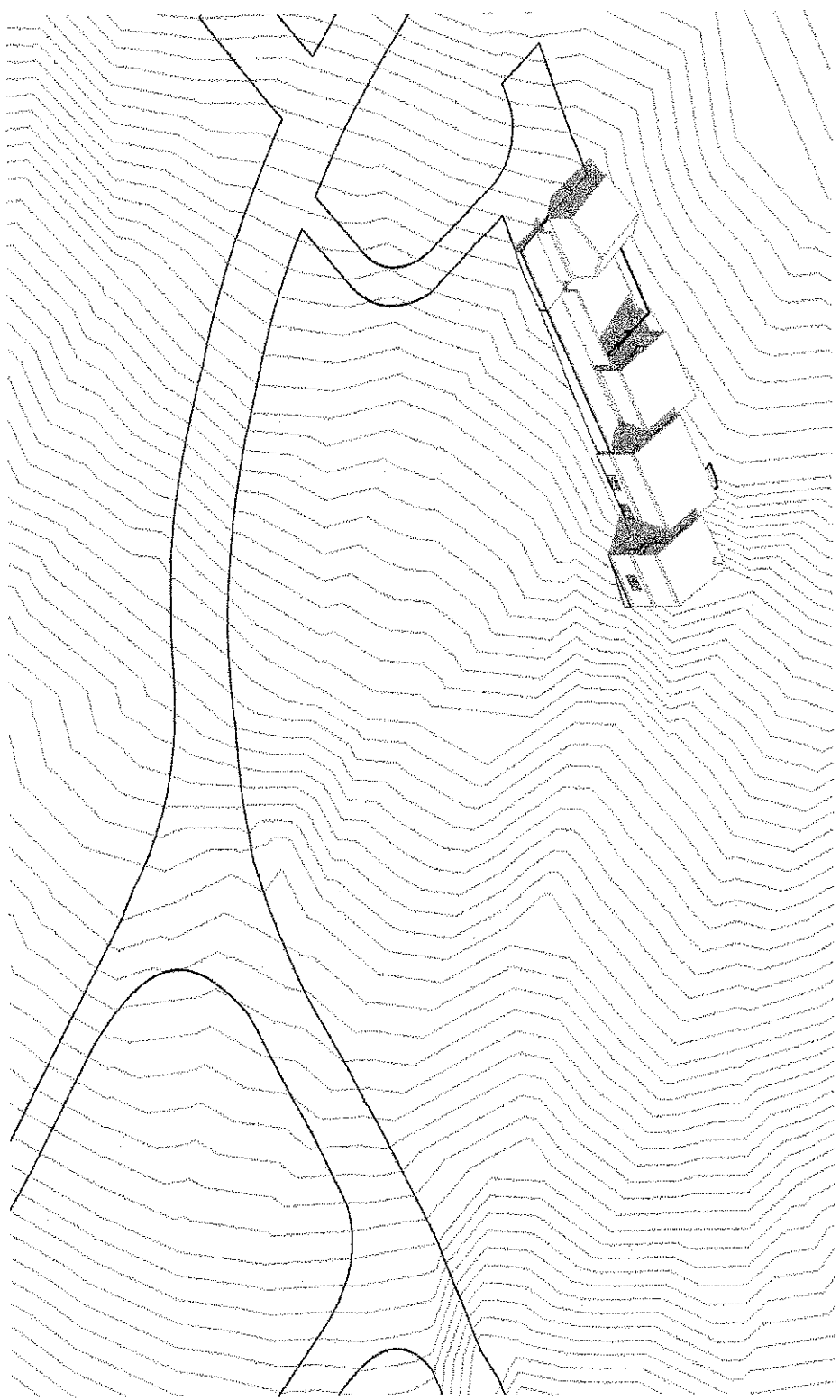
Road

Scale:

Project number	000000.00
Date	09/10/2014
Drawn by	Author
Checked by	Checker

20

1 Road 2



BLAKELEY CORNERS RESIDENCE

Road

Scale:

Project number	000000_00	21
Date	03/10/2014	
Drawn by	Author	
Checked by	Checker	

