



CASE NO. 1410

DATE OF HEARING 8/18/2022

Town of Aurora Zoning Board of Appeals
575 Oakwood 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 Lawrence Roland
Address 757 Center St
City East Aurora State NY ZIP 14052
Phone 716 Email _____
Interest in the _____ (purchaser/developer)

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 757 Center St East Aurora NY 14052
SBL# 187.02-1-3.31
Property size in acres 11.5 Property Frontage in feet 0 (Easement)
Zoning District A Surrounding Zoning A/R/R/40'
Current Use of Property residential

IV. REQUEST DETAIL

(check all that apply)
 Variance from Ordinance Section(s) # 116-8.5 F(2) & 116-18 A(1); 99-31 A(2);
 Special Use Permit for: _____ 99-31 A(1)
 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)

Lawrence P. Polanski
Signature of Applicant/Petitioner

Lawrence P. Polanski
Print name of Applicant/Petitioner

State of New York; County of Erie

On the 30th day of June in the year 2022 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.

Leah M. Di Filippo
Notary Public

(Notary stamp) Leah M. Di Filippo
NOTARY PUBLIC, NYS
Erie County, #01DI6210715
My Comm expires Aug. 31, 2025

Office Use Only: Date received: 7/7/22 Receipt #: 385850
CASH Sam

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 _____

PETITIONER'S LETTER OF INTENT

Please describe in detail the proposed project, reason the variance and/or special use permit is being requested and any additional information that may be helpful to the Zoning Board of Appeals in deciding this appeal: (attach additional pages if needed)

I am requesting this due to a request to go in front of the zoning board for the building of my agricultural storage barn. My residents is not visible by the human eye from all four sides of my property. This barn will be for use of items around my home. The residents to my left are my daughter and brother in law who both are pleasant to have this new building built.

TO BE COMPLETED ONLY WHEN A USE VARIANCE IS BEING REQUESTED:

A Use Variance is requested because the applicable regulations and restrictions in the Zoning Code of the Town of Aurora have caused unnecessary hardship as demonstrated by the following:

- 1) I cannot realize a reasonable return on my property for each and every permitted use allowed in the current zoning classification as demonstrated by the accompanying financial evidence (provide financial evidence to support your argument).

Financial Evidence Provided Yes ___ No ___ (financial evidence is required per NYS Town Law)

- 2) Describe why your alleged hardship relating to the subject property is unique and does not apply to other properties in the zoning district or neighborhood: _____

- 3) Describe why you believe that the essential character of the neighborhood/community will not change if the Zoning Board of Appeals grants you a use variance: no one will be affected by the location or the building no one can see the building.

- 4) Is your need for a use variance a result of you own actions (is your difficulty self-created)? Please explain: NO

(Attach additional pages if needed)

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

July 7, 2022

TOWN COUNCIL MEMBERS

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Anthony DiFilippo IV

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(716) 652-7944
historian@townofaurora.com

FAX: (716) 652-3507

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

Lawrence Roland
757 Center St
East Aurora, NY 14052

Dear Lawrence:

The Building Department has reviewed request to construct an accessory building on your property at 757 Center St. The request has been denied because it fails to meet the code requirements for an accessory building in the Agriculture (A) Zoning District in which it is located. Additionally, variances are needed from the current ODA regulations.

Section 116-8.5F(2) & 116-18A(1)

Required: No accessory building/structure shall be erected in the front yard.

Requested: Accessory building in the front yard

Variance: Accessory building in the front yard

Section 99-31A(2)

Required: The flagpole portion of the lot must have a minimum 75' frontage on an existing state, county, or Town road and maintain a minimum 75' wide ROW retained by the property owner.

Requested: Existing ingress/egress of 40'

Variance: 35'

Section 99-31A(9)

Required: Minimum distance between rights-of-ways of 100'

Requested: Existing ROW is approximately 34' to ROW at 765 Center St

Variance: 66'

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

Sincerely,

Elizabeth Cassidy
Code Enforcement Officer

**SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, N.Y.
AND REPLY TO MUNICIPALITY**

Submit this form with full statement of proposed action (as described in GML 239-m(c)) at www.Erie.gov/IRonline, OR mail a hard copy (retain a copy for your files) to: Erie County Division of Planning, 95 Franklin Street, Room 1053, Buffalo, N.Y., 14202

DO NOT WRITE IN THIS SPACE

Case No.: ZR-22-465

Postmark/Delivery Date: 7/26/22

The proposed action described herein is referred in accordance with the provisions of NYS General Municipal Law §239 1 - m
A Municipal Referral Map is available to help determine whether an applicable action is subject to referral.

Description of Proposed Action

1. Name of Municipality: Town of Aurora

§239-m(4)(b) provides that the county shall have 30 days after receipt of a full statement of the proposed action to reply.
If the county fails to reply within such period, the referring body may take final action.
However, any county reply received after 30 days but 2 or more days prior to final action by the referring body shall be subject to §239-m(5)
The referring body shall file a report of its final action with the county within 30 days per §239-m(6).

2. Hearing Schedule: Date 8/18/2022 Time 7:00pm Location 575 Oakwood Ave., EA

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 Address: 757 Center Street, East Aurora

5a. S.B.L. of Property: 187.02-1-3.31

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: flaglot frontage 40' - 75' required; distance between ROW's 34' - 100' required; accessory building in front yard - not allowed by code
(specify the action, such as the scope of variances or site plans)

8. Other remarks: Parcel land locked - access via easement

9. Submitted by: Martha Libroek Email: townclerk@townofaurora.com

10. Return Address: 575 Oakwood Ave., East Aurora, NY 14052

Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on 7/26/22. 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. Comment on proposed action is attached hereto.
3. The proposed action is subject to review; Recommendation on Proposed Action 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: 8/3/22

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

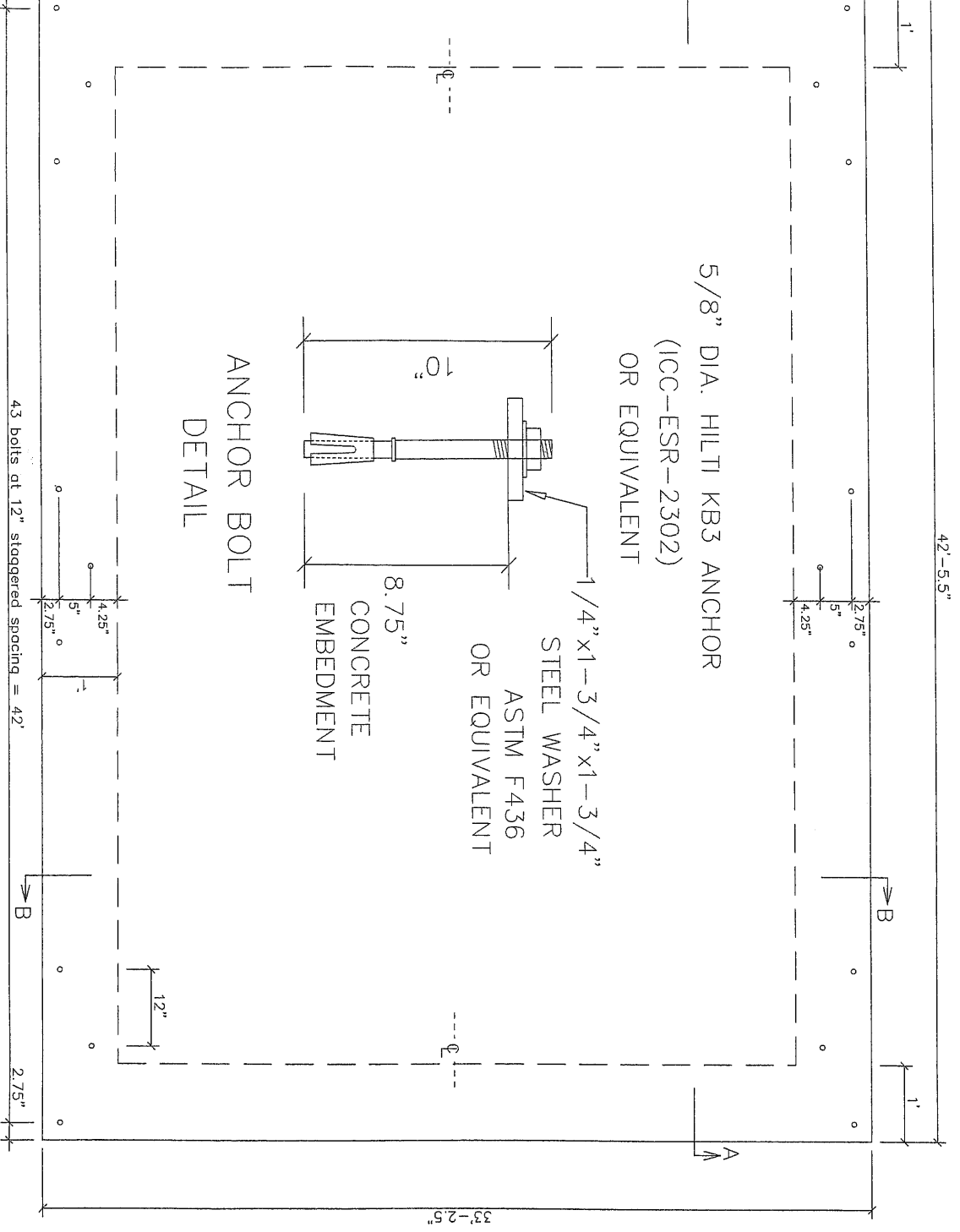
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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.

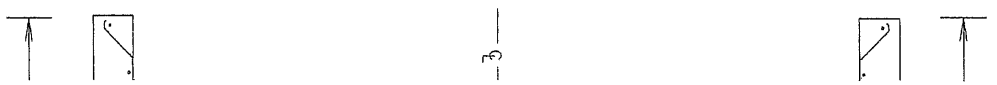
Part 1 – Project and Sponsor Information			
Name of Action or Project: Agriculture Storage Barn			
Project Location (describe, and attach a location map): 757 Center St E. Aurora NY 14052			
Brief Description of Proposed Action: Building of storage barn for equipment around by property.			
Name of Applicant or Sponsor: Lawrence Roland		Telephone: 716 	
Address: 757 Center St		E-Mail:	
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.			NO <input checked="" 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: ToA Building permit			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? 11.5 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? _____ 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 checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input checked="" type="checkbox"/> Parkland			

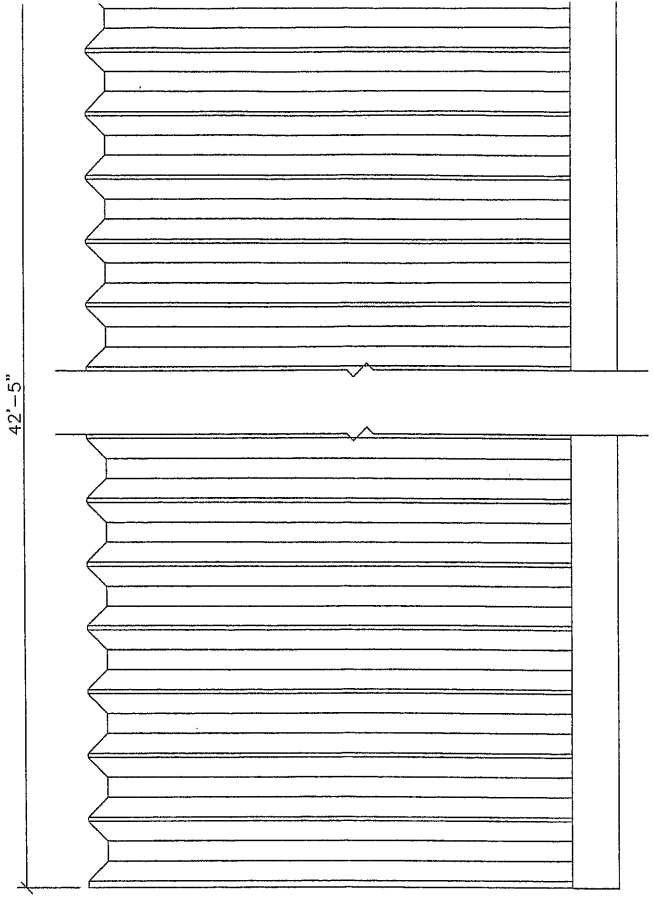
		NO	YES	N/A
5. Is the proposed action,	a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		<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: _____		<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 services available at or near the site of the proposed action? 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"/>	
		<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: _____ _____		<input checked="" 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: <u>not needed</u>		<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: <u>not needed</u>		<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? 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"/>	
		<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: _____ _____ _____		<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 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 plan?	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?	NO	YES
If Yes,	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
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)?	NO	YES
If Yes, explain the purpose and size of the impoundment: _____ _____	<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?	NO	YES
If Yes, describe: _____ _____	<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?	NO	YES
If Yes, describe: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor/name: <u>Lawrence Roland</u> Date: <u>4/7/2022</u></p> <p>Signature: <u><i>Lawrence P. Roland</i></u> Title: _____</p>		

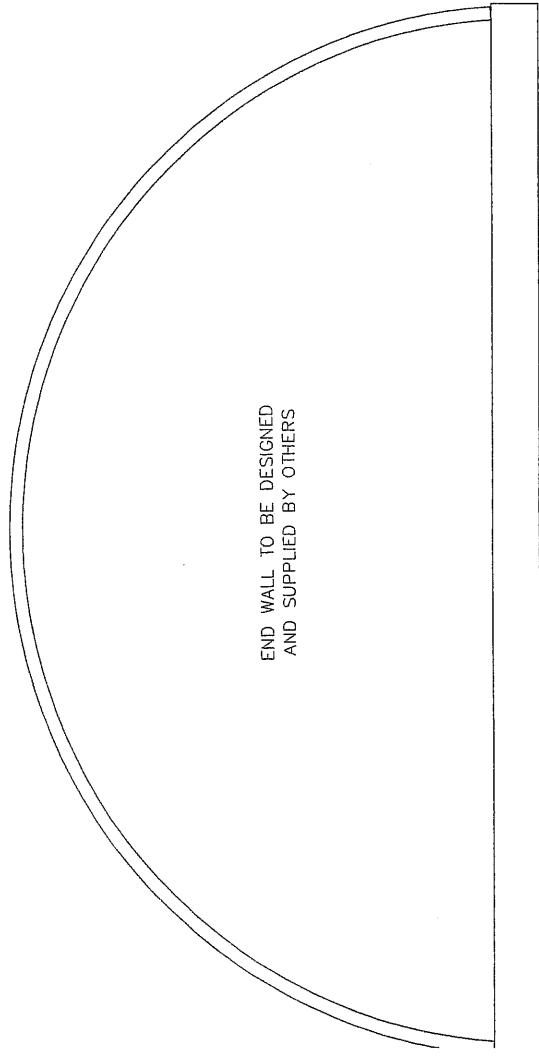


FOUNDATION PLAN

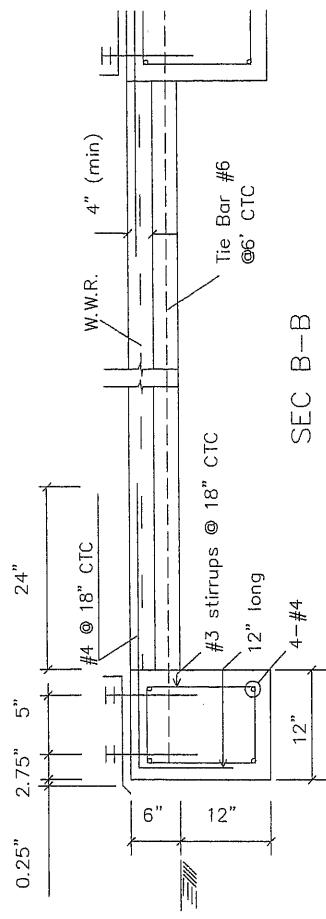




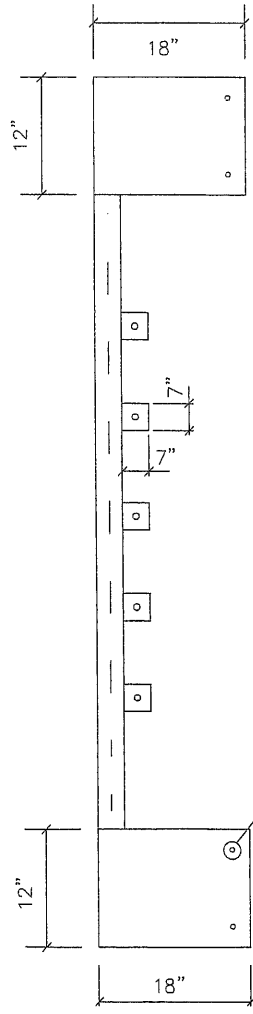
SIDE ELEVATION



REAR ELEVATION



SEC B-B



SEC A-A

WARNING: DO NOT REMOVE OR REDUCE THE CONCRETE FLOOR OR THE REINFORCING STEEL, AND/OR RAISE THE TOPS OF THE FOOTERS ABOVE THE FLOOR OR BUILDING FAILURE MAY RESULT

Minimum Concrete Cover:

3"

(a) Concrete Cast against earth:

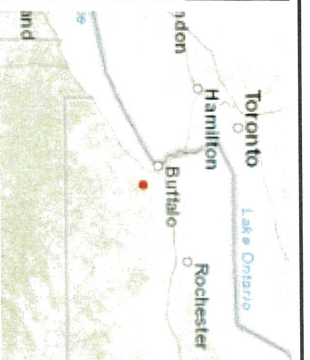
(b) Concrete exposed to earth or weather:

2"

Total 7 Tie Bars @6' CTC



Erie County On-Line Mapping Application



Legend
 Parcels

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**

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1: 2,257





Erie County On-Line Mapping Application

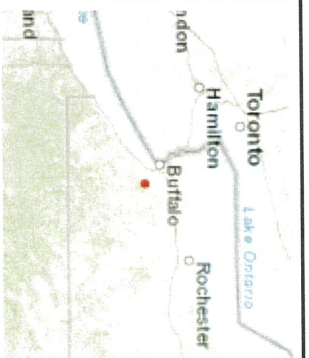


0 0.02 0.0 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
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**ERIE COUNTY
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Legend
 Parcels

1: 1,128



25.8 A(C)
1.11

29

S NO. 3

1.2
1.3 A (C)

DISTRICT

592.10

2.4 A
2.1

573 €

400

5.82 A
3.3

ROLAND

make 3.4
410.3
389.70

106.80

400

3.1

356.6

FETZER

7.82 A
3.2

622.80

SEWER

400 €

4

5

6

7

8

400 €

642.80

244.32

920

5.2 A(C)
9

S

283 €

10

11

2.1A
12.1

COUNTY

MC 1969

13

1969

C 1969

STREET

213.24 €

173.6173.51

168.80

199.9 €

125 €

484.56 €

(66' WIDE)

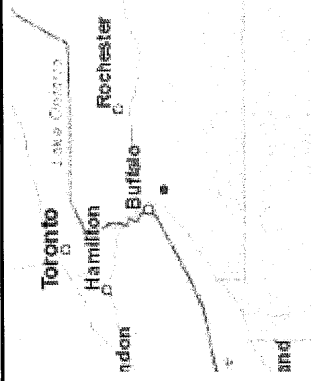
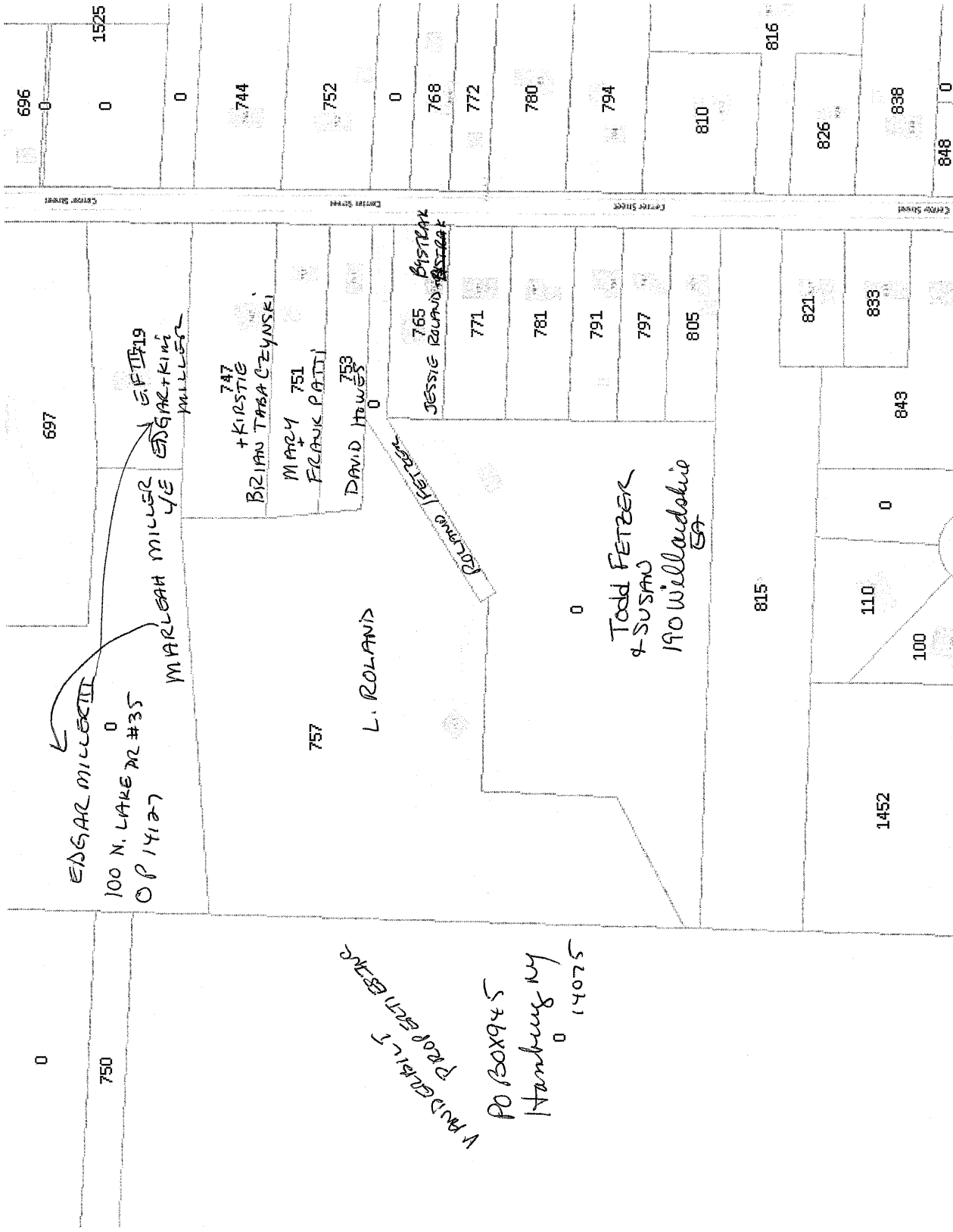
SEC 8 7. 1962

BLK 4

765 CENTER ST



Erie County On-Line Mapping Application



Legend
 Parcels

0 0.07 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

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1: 4,514