



CASE NO. 1349

DATE OF HEARING 12/19/19

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 Philip Rosinski
Address 1660 Blakeley Rd
City East Aurora State NY ZIP 14052
Phone (716) Email Philros@gmail.com
Interest in the (purchaser/developer) owner

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

Property Owner(s) Name(s) Philip Rosinski
Address 1660 Blakeley Rd
City East Aurora State NY ZIP 14052
Phone 716 Email Philros@gmail.com

III. PROPE

Property Address 1660 Blakeley Rd EA NY 14052
SBL# 187.00-3-38
Property size in acres 7.2 Property Frontage in feet 151.6
Zoning District A/RR Surrounding Zoning Res RR/A
Current Use of Property Res

IV. REQUEST DETAIL

(check all that apply)

Variance from Ordinance Section(s) # _____
 Special Use Permit for: _____
 Use Variance for: _____
 Interpretation of _____

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 would like to build a Pole Barn to store Auto, and Tractor and other equipment such As lawn mowers, dirt bikes, - My house is already far off road and to put Barn behind house would be tough because of The grade drops off and ground is low The Drive way and approach to proposed barn is all ready set up to put in Proposed Area and is more level and convenient. Also set back far off road and hardly be visable to. Its more to the side than directly in front of house.

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: _____

4) Is your need for a use variance a result of you own actions (is your difficulty self-created)? Please explain: _____

(Attach additional pages if needed)

To. Zoning Board Members

I, Phil Rosinski, would like to build a 30 x 50 Pole barn in place of existing detached garage that exists on property. The barn would be slightly in front of house line but off to the side, because of drive way setup and land drop behind house. Barn would be used for Vehicle Storage and tractor, lawn mowers etc.

Thank You.

Phil Rosinski

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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(716) 652-7944
historian@townofaurora.com

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

November 12, 2019

Philip Rosinski
1660 Blakeley Rd
East Aurora, NY 14052

The Building Department has reviewed your request to construct a pole barn in front of your residence at 1660 Blakeley Rd. The proposed location is not compliant because it fails to meet the requirements of the Town of Aurora Code for an accessory building in the Agricultural (A) zoning district in which it is located, as allowed by Sections 116-8.5F(1) and 116-8.5F(2).

Section 116-8.5F(1)

Required: Front yard depth or setback: minimum 75 feet from street right-of-way
Requested: Front yard setback approximately 52 feet from line parallel to street
Variance: 23 feet

Section 116-8.5F(2)

Required: No accessory building shall be erected in the front yard.
Requested: Accessory building in front yard.
Variance: Accessory building in 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 and fee, a letter to the ZBA explaining your difficulty, any information to support your need for a variance from the Town Code.

If you have any questions contact us at 652-7591.

Sincerely,


Elizabeth Cassidy

Asst. 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.: _____

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:	<u>Town of Aurora</u>		
2. Hearing Schedule:	Date <u>12/19/2019</u>	Time <u>7:00pm</u>	Location <u>300 Glead Ave., E. Aurora, NY</u>
3. Action is before:	<input type="checkbox"/> Legislative Body	<input checked="" type="checkbox"/> Board of Appeals	<input type="checkbox"/> Planning Board
4. Action consists of:	<input type="checkbox"/> New Ordinance	<input type="checkbox"/> Rezone/Map Change	<input type="checkbox"/> Ordinance Amendment
	<input type="checkbox"/> Site Plan	<input type="checkbox"/> Variance	<input type="checkbox"/> Special Use Permit
			<input type="checkbox"/> Other
5. Location of Property:	<input type="checkbox"/> Entire Municipality	<input checked="" type="checkbox"/> Specific as follows	<u>1660 Blakeley Road, Town of Aurora</u>
6. Referral required as Site is within 500'of:	<input type="checkbox"/> State or County Property/Institution	<input type="checkbox"/> Municipal Boundary	<input type="checkbox"/> Farm Operation located in an Agricultural District
	<input type="checkbox"/> Expressway	<input checked="" type="checkbox"/> County Road	<input type="checkbox"/> Proposed State or County Road, Property, Building/Institution, Drainageway
7. Proposed change or use: (be specific)	<u>Pole barn proposed to be built in front yard of residence and closer to front lot line than allowed by code.</u>		
8. Other remarks: (ID#, SBL#, etc.)	<u>187.00-3-38</u>		
9. Submitted by:	<u>Martha L. Librock, Town Clerk</u>	<u>11/26/19</u>	
	<u>300 Glead Ave., E. Aurora, NY 14052</u>		

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:** _____

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: <i>Philip Rosinski</i>			
Project Location (describe, and attach a location map): <i>Pole barn</i>			
Brief Description of Proposed Action: <i>Accessory building in front yard</i>			
Name of Applicant or Sponsor: <i>Philip S. Rosinski</i>		Telephone: _____	<i>2</i> <i>@gmail.com</i>
Address: <i>1660 Blakeley Rd</i>		E-Mail: <i>Ph:</i>	
City/PO: <i>East Aurora</i>		State: <i>NY</i>	Zip Code: <i>14052</i>
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	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:		NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<i>7.2</i>	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?		<i>7.8</i>	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) <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?	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: _____	NO	YES	
	<input checked="" 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: _____	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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<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 checked="" 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,	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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: _____	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES		

<p>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)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: <u>Philip S. Rosinski</u></p>	<p>Date: <u>Nov 8, 2019</u></p>	
<p>Signature: <u>Philip S. Rosinski</u></p>		

BUILDING DEPARTMENT

Town of Aurora/Village of East Aurora

300 Glead Avenue, East Aurora, NY

Phone (716) 652-7591

Permit # _____
Reissued _____
Date _____

APPLICATION FOR BUILDING PERMIT

Please check one: New Building Addition Alteration/Renovation Fence
 Accessory Building Accessory Structure Generator Other _____

Property Owner Name Philip Rosinski Phone # 716
Property Address 1660 Blakeley Rd
SBL # 187.00-3-38 Zoning District RR
Applicant (if not Owner) _____ Phone # _____

- Brief description of request/intention for building permit: Construct a Barn for storage
- Use: Residential Commercial Occupancy/Occupancy Load: _____
- Construction Type: I II III IV V
- Size of completed construction 30.ft wide 50.ft long 20.ft high Total sq ft. 1500
- Construction Cost 18000-25000
- Name of Architect N/A
Address of Architect _____ Phone # _____
- Name of Contractor Phil Rosinski (self)
Address of Contractor 1660 Blakeley Rd E Aurora Phone # 435-7212
- Contractors GL/WC/Disability Insurance Certificates with Town & Village as Certificate holder Yes/No
- Electrical work done, to be inspected by, and a Certificate of Approval obtained from an inspection agency approved by the Town of Aurora. Yes NA
- DPW Action Required WATER TAP _____ SEWER TAP _____ BACKFLOW PREVENTER _____ GREASE TRAP _____

IMPORTANT

- The work covered by this application may not be commenced before the issuance of Building Permit.
- No building shall be occupied or used in whole or in part for any purpose whatsoever until a Certificate of Occupancy shall have been granted by the Building Department.

APPLICATION IS HEREBY MADE to the Code Enforcement Officer for the issuance of a Building Permit pursuant to the NEW YORK UNIFORM FIRE PREVENTION AND BUILDING CODE for the construction of buildings, additions and alterations, as herein described. The applicant agrees to comply with all applicable codes, laws, and regulations. The undersigned hereby certifies that all of the information contained in this application is correct and true.

Owner Name Philip Rosinski Phil Rosinski
(Contractor and Corp/LLC must complete affidavit on back to sign as owner's agent)

Telephone _____ E-mail _____

Phil Rosinski
SIGNATURE OF OWNER DATE _____

<u>Town or Village</u>	Bldg Dept	ZBA
App Fee \$ <u>35.00</u>	Reviewed by _____	Reason _____
Permit Fee \$ _____	Appr on _____	Approved/Denied on _____
Park/Rec Fee \$ _____		Case # _____
Signature of Code Enforcement Officer		
Receipt is hereby acknowledged of the sum of \$..... equal to the fees schedule established by the Town Board of the Town of Aurora NY..... TC/DTC Date: _____ Receipt _____		

LI-211

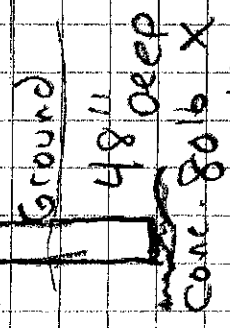
20 x 48

Wall height 12'
Roof pitch 6/12

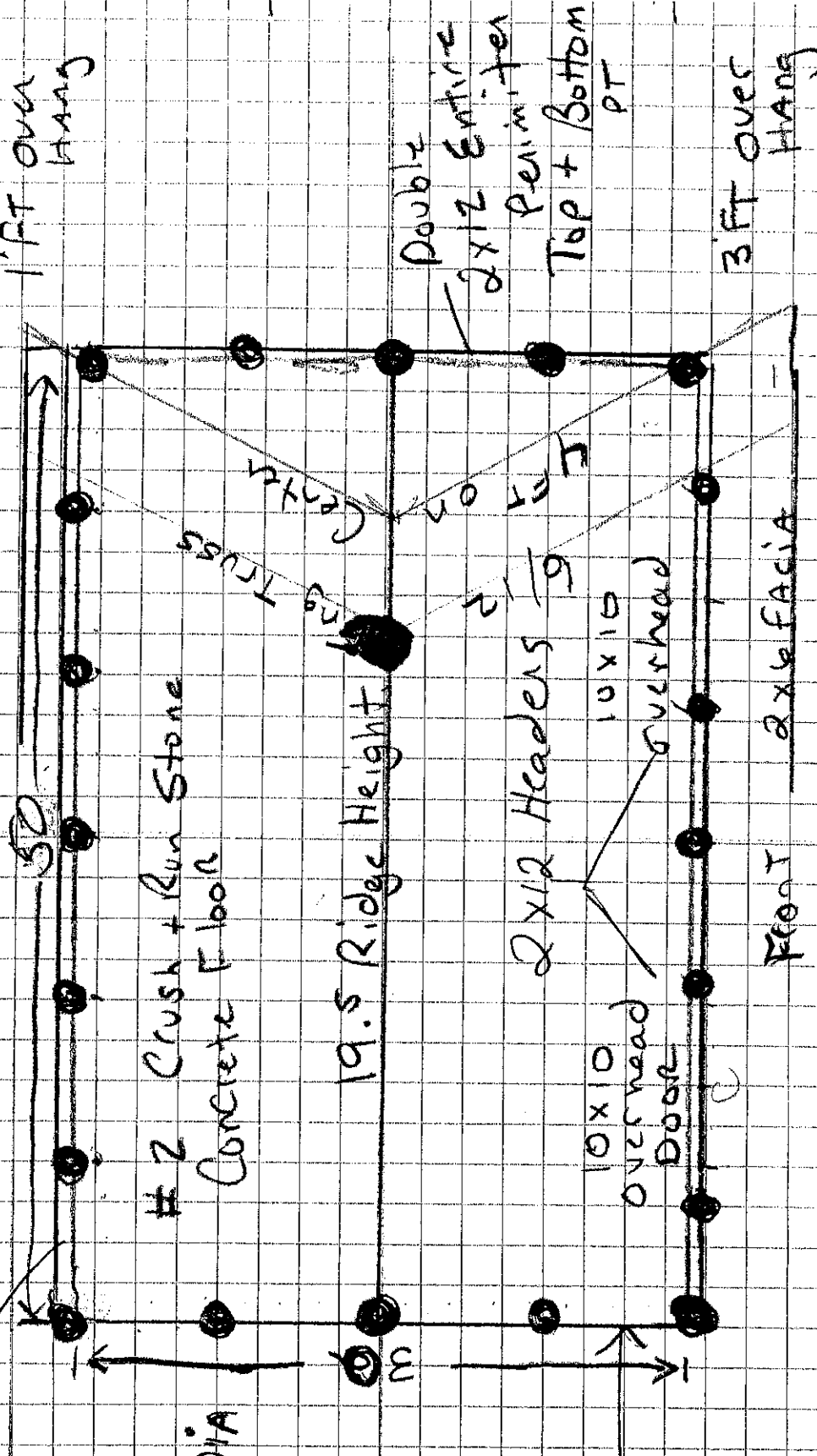
MEAN HEIGHT = 16.75'

BACK

Post Detail



12 FT WALL HEIGHT WITH 2x6 PURLINS EVERY 24" 1' FT OVER HANG



#2 Crush + Run Stone
Concrete Floor

19.5 Ridge Height

Double 2x12 Entire Perimeter Top + Bottom PT

36" max Door

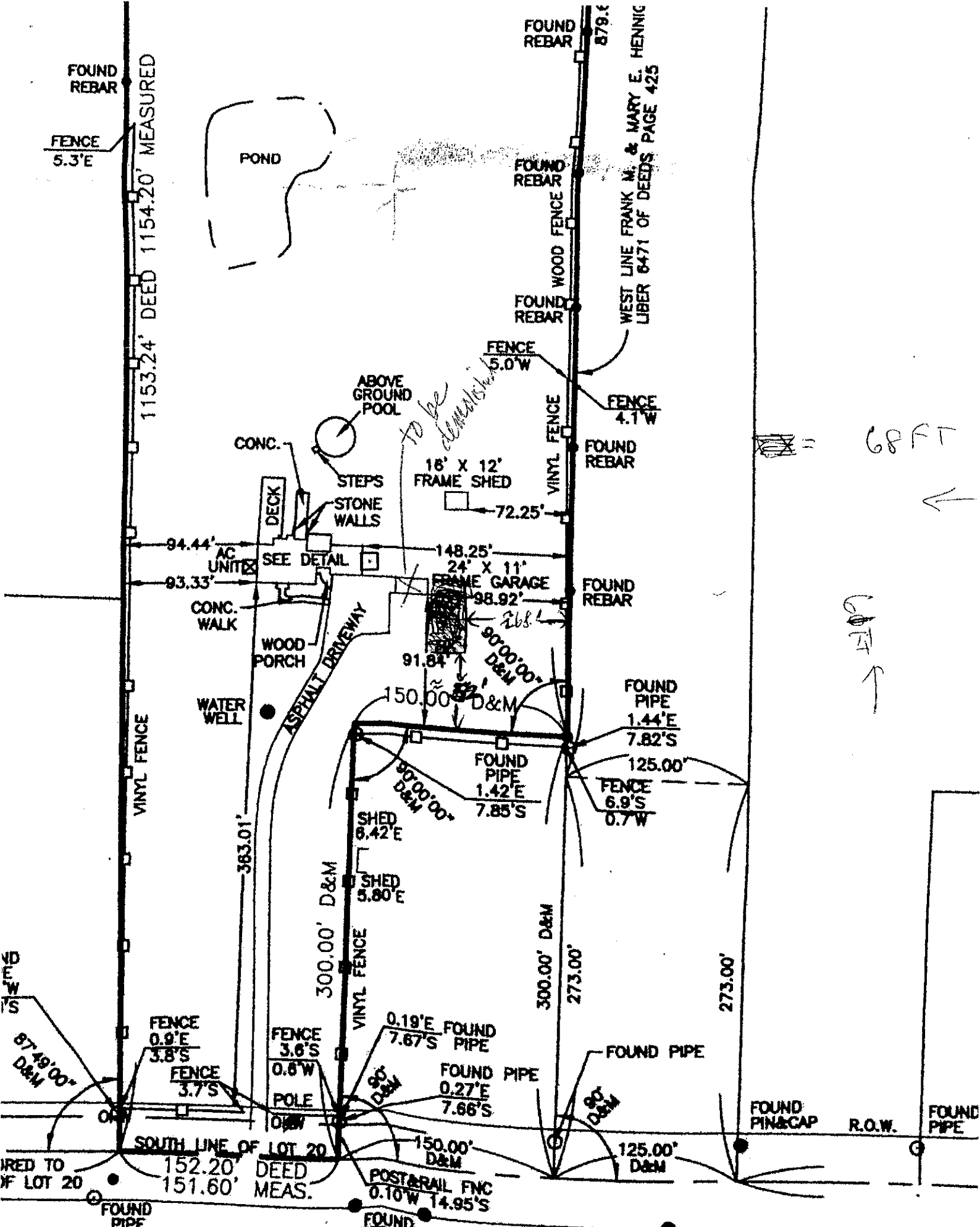
3 FT OVER HANG

FRONT 2x4 FASCIA

● = 6x6 PT Post Set 48" in Ground 8 FT on Center

Heavy GA Steel Roofing & Siding + 2x4 Purlins every

4-Vinyl Windows Approx 4x3 FT 24"



68 FT ←

68 FT ↑

66' WIDE ROAD



Proposed garage style

Proposed location