

original



CASE NO. 1473

DATE OF HEARING 7/18/2024

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 Robert D. Galpin
Address 190 Stoneybrook Rd, Orchard Park, NY
City Orchard Park State NY ZIP 14127
Phone 716 Fax _____ Email rdg@rdgalpin.com
Interest in as 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 190 Stoneybrook Rd., Orchard Park, NY, 14127
SBL# 163.00-2-1.2
Property size in acres 4.55 Property Frontage in feet 309'
Zoning District RR1A Surrounding Zoning RR1A
Current Use of Property residential

IV. REQUEST DETAIL

(check all that apply)
 Variance from Ordinance Section(s) # 116-8.4F(4) & 116-8.4C(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)

Robert D. Galpin

Signature of Applicant/Petitioner

Robert D. Galpin

Print name of Applicant/Petitioner

State of New York; County of Erie

On the 27 day of May in the year 2024 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.

Dorothy Bailey
Notary Public

(Notary Seal) **DOROTHY BAILEY**
Reg #01BA0023544
Notary Public, State of New York
Qualified in Erie County
Commission Expires April 15, 20__

Office Use Only: Date received: _____ Receipt #: _____

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: ~ 2019 Type of Appeal: similar variance for small barn 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 want to build a slightly larger barn to function as a workshop on property. This new build is 30' wide by 24' deep, located in a forested area in front of my house. I plan to have electricity and water in the barn.

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: *my property is very uneven in grade and this is the only location which is flat enough to locate this building (30' x 24')*

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: *the small barn is located in a forested area and is not visible from the street. The barn is ~250' off the road.*

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)

SUPERVISOR
Charles D. Snyder
(716) 652-7590
csnyder@townofaurora.com



TOWN CLERK
Martha L. Libroek
(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

May 31, 2024

Luke Wochensky
lwochensky@townofaurora.com

James F. Granville
jgranville@townofaurora.com

Joseph M. McCann
jmccann@townofaurora.com

Raymond M. Wrazen
rwrazen@townofaurora.com

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David M. Gunner
(716) 652-4050
highway@townofaurora.com

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OFFICER
Elizabeth Cassidy
(716) 652-7591
building@townofaurora.com

ASSESSOR
Stephen R. Pigeon
assessor@townofaurora.com
(716) 652-0011

DIR. OF RECREATION
Christopher Musshafen
(716) 652-8866
chris@townofaurora.com

TOWN ATTORNEY
Brigid M. Maloney

TOWN JUSTICE
Jeffrey P. Markello
Anthony DiFilippo IV

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

FAX: (716) 652-3507

Robert Galpin
190 Stoneybrook Rd.
Orchard Park, NY 14127

Robert Galpin:

The Building Department has reviewed your request to construct *an accessory structure (barn) in your front yard at 190 Stoneybrook Rd. (SBL 163.00-2-7-2)*. The request has been denied because it fails to meet the requirements for *no accessory buildings/structures in the front yard and mean height for accessory buildings/structures*.

Section 116-8.4(C)(2)

Required: Maximum mean height for accessory buildings/structures shall not exceed 15'.

Requested: 16.5' mean height.

Variance: 1.5'

Section 116-8.4(F)(4)

Required: No accessory buildings/structures shall be erected in the front yard.

Requested: Barn to be constructed in front yard located 250' from road.

Variance: Barn in front yard.

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,

A handwritten signature in black ink, appearing to read "R. Miga".

Richard Miga
Assistant 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.: _____

Postmark/Delivery Date: _____

The proposed action described herein is referred in accordance with the provisions of NYS General Municipal Law §239 1 - nn
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 7/18/2024 Time 7:00 p.m. 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 Address: 190 Stoneybrook, PO Orchard Park

5a. S.B.L. of Property: 163.00-2-7.2

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: Height of proposed accessory structure (barn) more than allowed by Town Code and location in front yard of residence not allowed by Town Code
(specify the action, such as the scope of variances or site plans)

8. Other remarks: _____

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

10. Return Address: 575 Oakwood Ave., 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. 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: _____ Date: _____

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

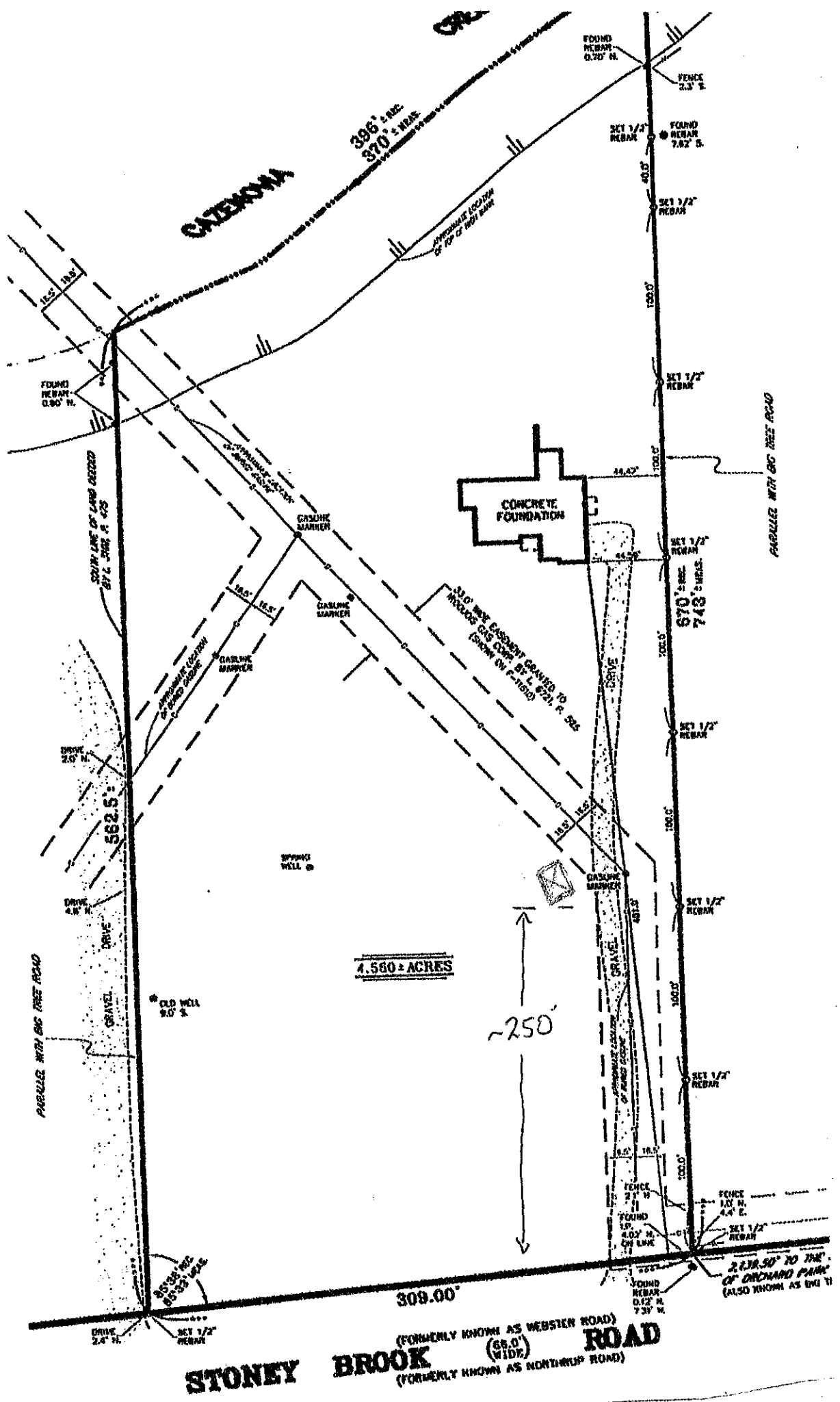
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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>to build a small barn for a work shop</i>			
Project Location (describe, and attach a location map): <i>All survey</i>			
Brief Description of Proposed Action: <i>build a workshop</i>			
Name of Applicant or Sponsor: <i>Robert D. Galpin</i>		Telephone:	
		E-Mail: <i>r.galpin@...edu</i>	
Address: <i>190 Stoneybrook Rd</i>			
City/PO: <i>Orchard Park</i>		State: <i>NY</i>	Zip Code: <i>14127</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 <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:			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		<i>4.55</i> acres	
b. Total acreage to be physically disturbed?		<i>720 ft²</i> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<i>4.55</i> acres	
4. Check all land uses that occur on, are adjoining or 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 checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input 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 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?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services 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 the 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?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If the proposed action will exceed requirements, describe design features and technologies: <u>WILL EXCEED.</u>				
10. Will the proposed action connect to an existing public/ <u>private</u> water supply?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If No, describe method for providing potable water: <u>extended water supply from my existing house</u>				
11. Will the proposed action connect to existing wastewater utilities?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If No, describe method for providing wastewater treatment: _____				
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?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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"/>	
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?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____				

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 checked="" 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? If Yes,	NO	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)? If Yes, explain the purpose and size of the impoundment: _____ _____	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 CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>Robert D. Galpin</u> Date: <u>5.27.24</u> Signature: <u><i>Robert D. Galpin</i></u> Title: <u>Dr.</u>		



STONEY BROOK ROAD

(FORMERLY KNOWN AS WEBSTER ROAD)
 (66.0' WIDE)
ROAD
 (FORMERLY KNOWN AS NORTHRUP ROAD)

4.580 ± ACRES

~250'

2,238.50' TO THE OF ORCHARD PARK (ALSO KNOWN AS ENG T)

CATEWANA

CONCRETE FOUNDATION

SUG. WIRE EXHIBENT GRANTED TO SLS
 INCLUDES GAS CABLE
 (FORM OF F-1120)

SPRING WELL

OLD WELL
 9.0' ±

PARALLEL WITH BROOK TREE ROAD

PARALLEL WITH BROOK TREE ROAD

DRIVE 2.4' H.

DRIVE 2.0' H.

DRIVE 4.8' H.

BOUNDARY LINE OF LAND ACQUIRED BY L. WEBB, JR. 4/25

BOUNDARY LINE OF LAND ACQUIRED BY L. WEBB, JR. 4/25

BOUNDARY LINE OF LAND ACQUIRED BY L. WEBB, JR. 4/25

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BOUNDARY LINE OF LAND ACQUIRED BY L. WEBB, JR. 4/25

396° ± 10.0'
 370' ± 10.0'

FOUND REBAR
 0.70' H.

FENCE
 2.3' E.

SET 1/2" REBAR

FOUND REBAR
 7.82' S.

SET 1/2" REBAR

SET 1/2" REBAR

SET 1/2" REBAR

SET 1/2" REBAR

SET 1/2" REBAR

SET 1/2" REBAR

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SET 1/2" REBAR

SET 1/2" REBAR

SET 1/2" REBAR

SET 1/2" REBAR

FENCE
 2.7' H.

FOUND REBAR
 4.02' H.

FOUND REBAR
 0.12' H.

FOUND REBAR
 7.20' H.

FOUND REBAR
 0.12' H.

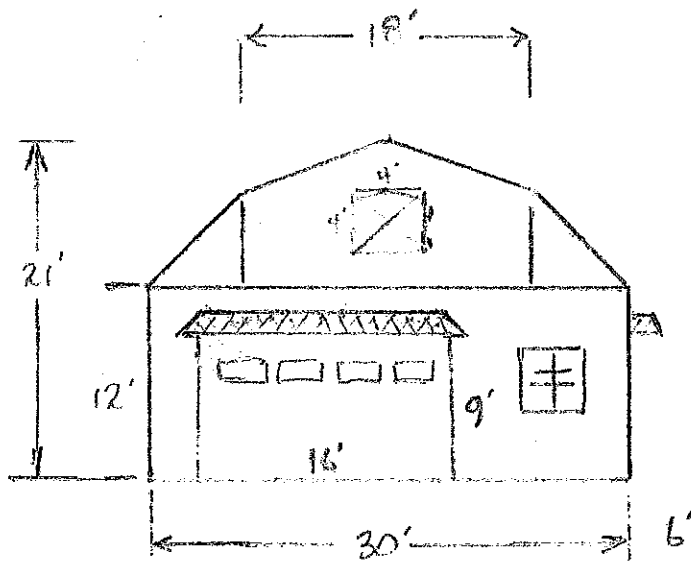
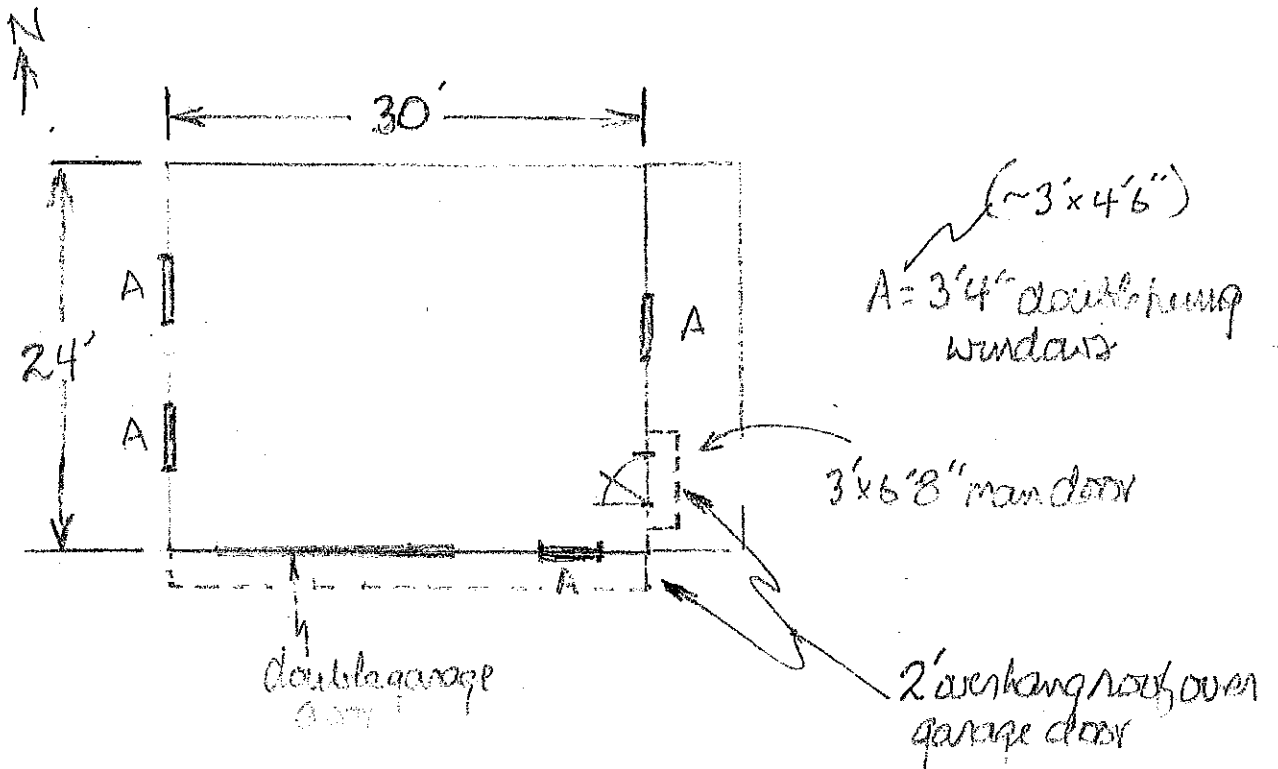
FOUND REBAR
 0.12' H.

FOUND REBAR
 0.12' H.

FOUND REBAR
 0.12' H.

FOUND REBAR
 0.12' H.

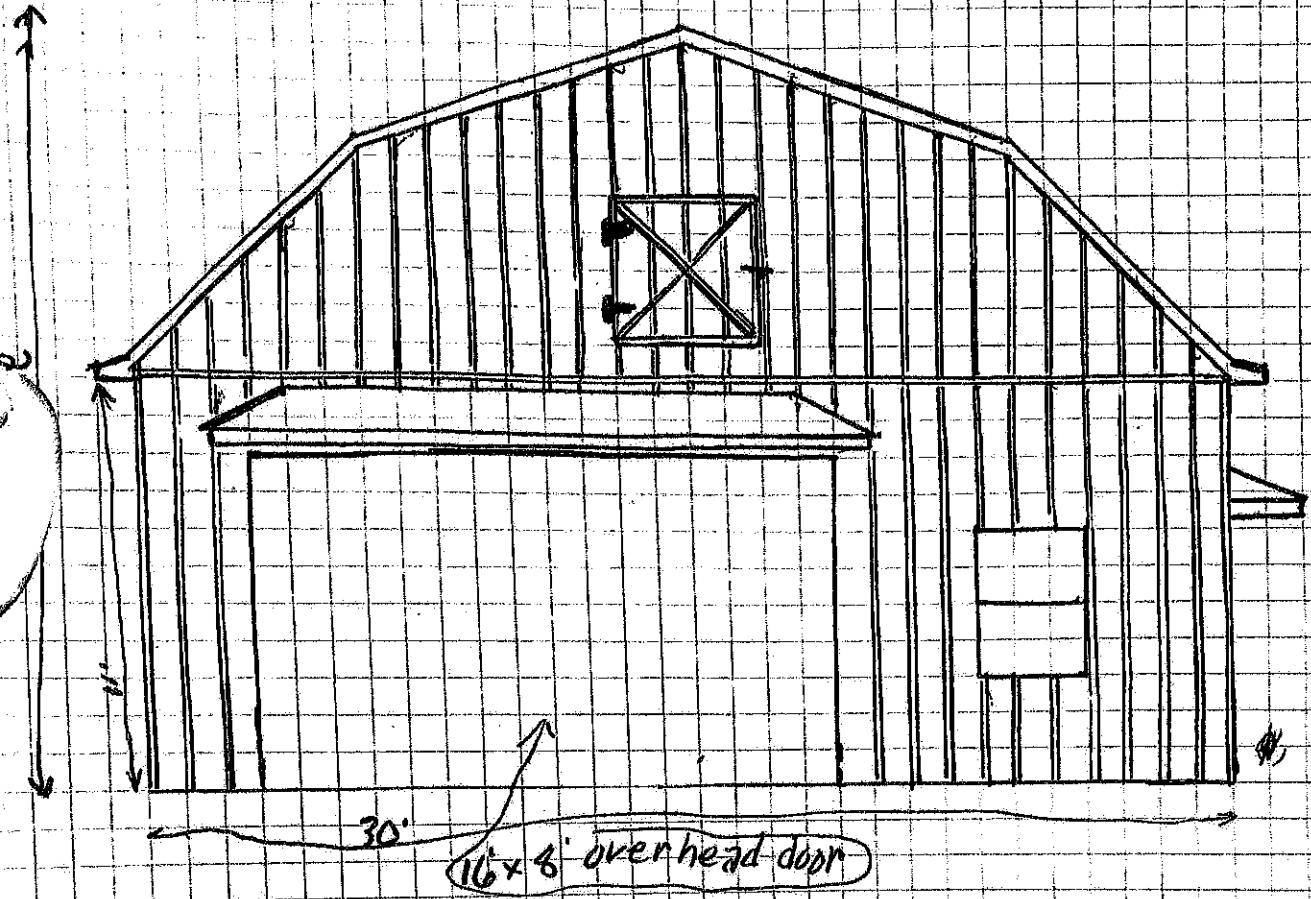
Barn proposal - 190 Stonebury Rd. Pct.



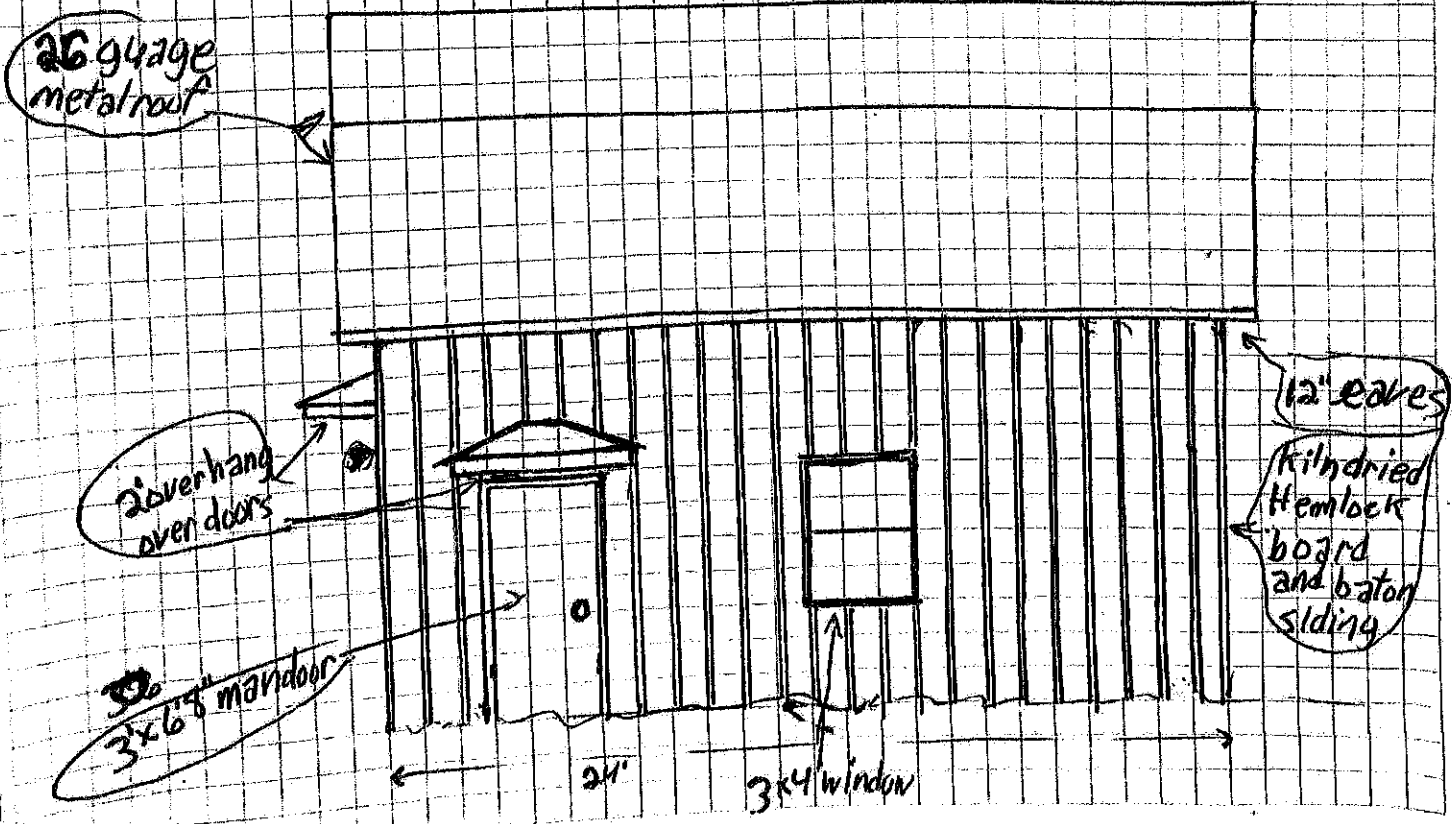
Scale -
1 sq = 3'

- Garage Door
- 9'x16'
 - insulated - R-value 12.9
 - w glass.

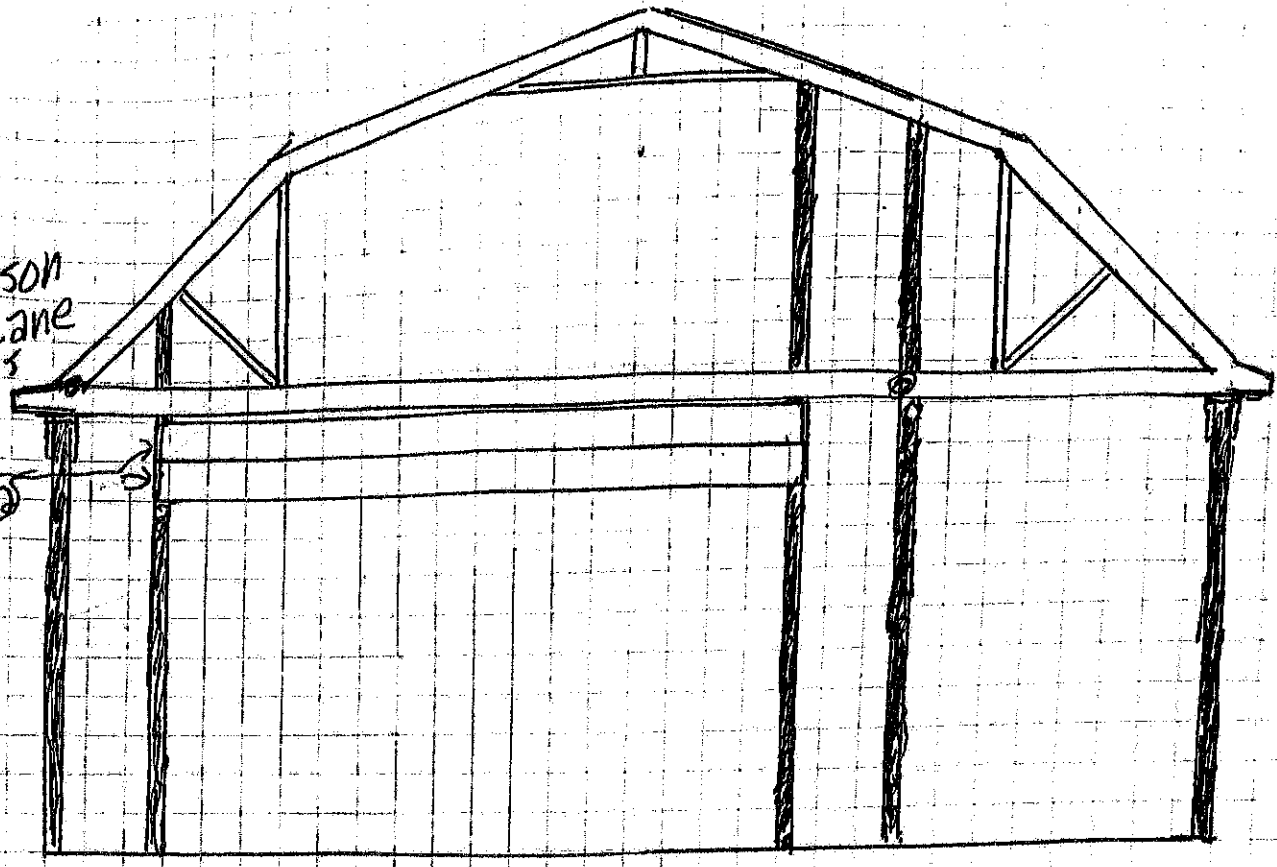
1 square = equals 1 foot Front view



side view



Simpson
Hurricane
straps



2-2x12

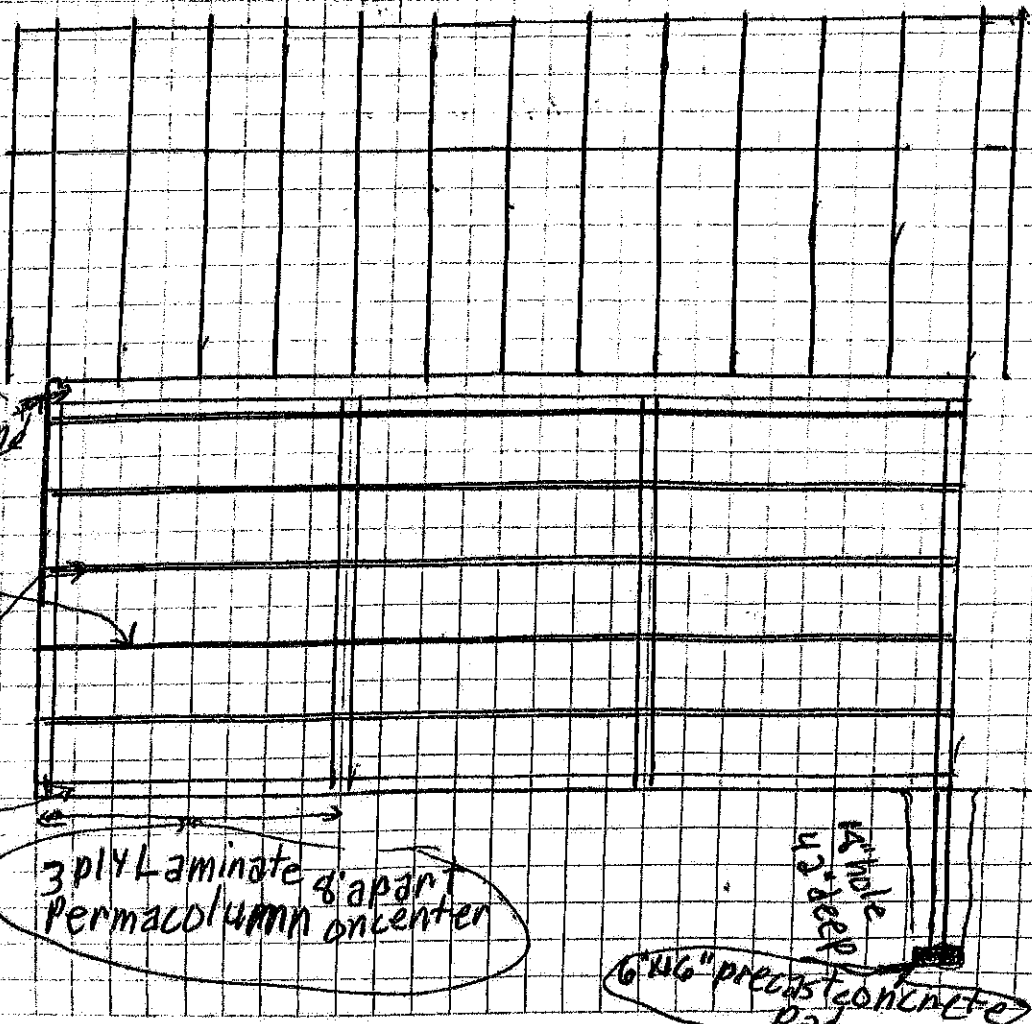
Double
2x12 Yellow pine

2x4 girts
2' on center

2x10 Pressure
treated

3 ply Laminate 4' apart
Permacolumn on center

11' long
1" x 1" x 1" steel
6" x 6" precast concrete
pad



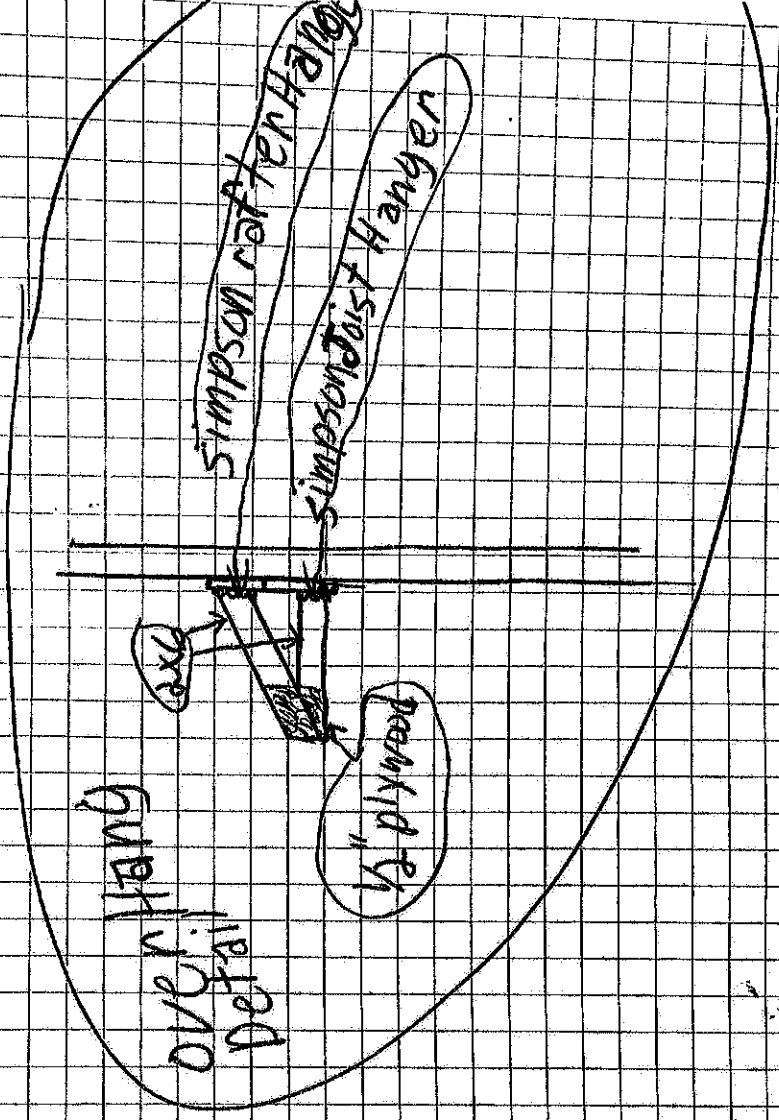
metal roof with thermal vapor barrier

2x4 girts
2" on center

aluminum vented soffit

2x10
2x12

Header
Detail



Overhang
Detail

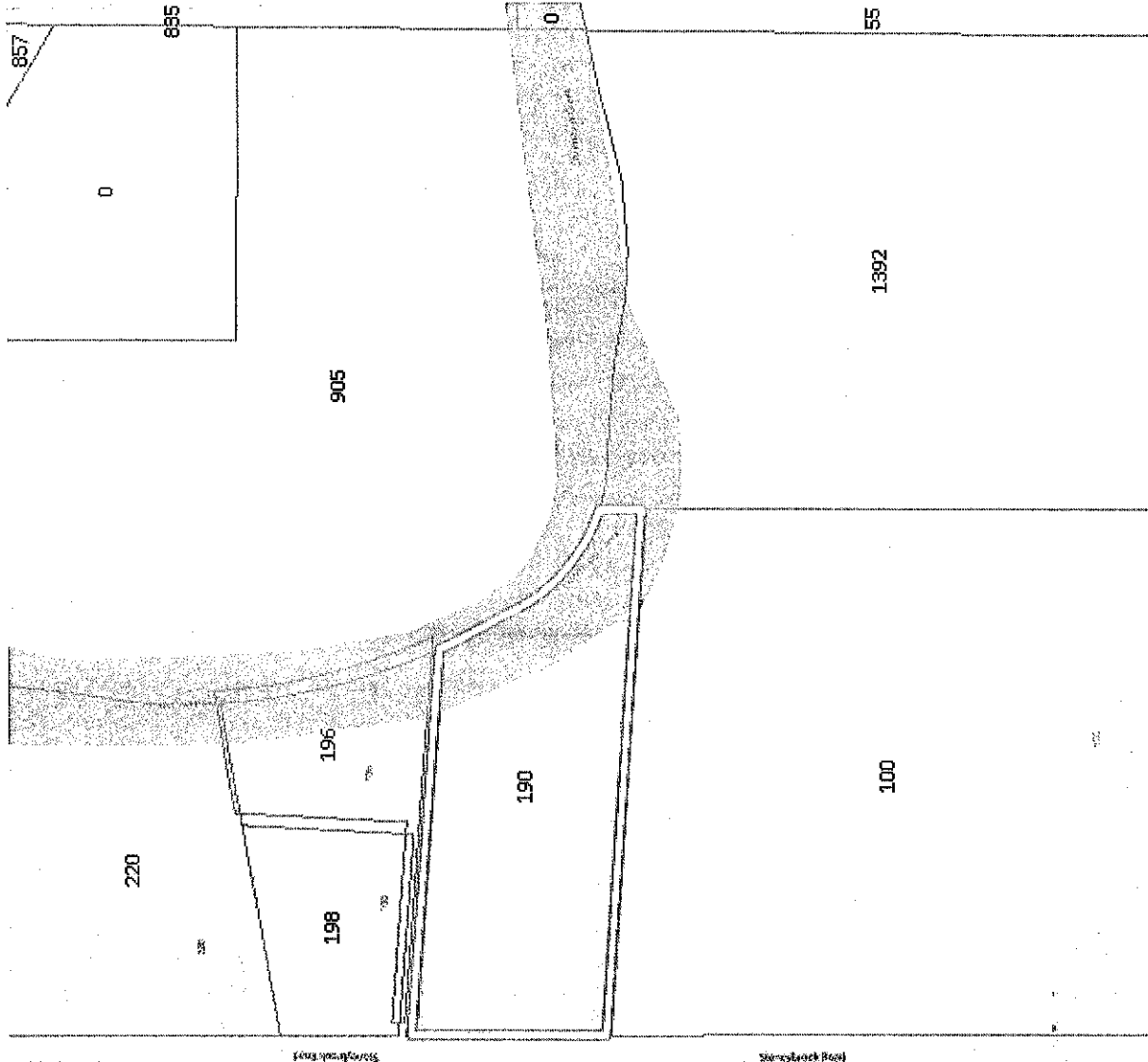
Simpson Coffer Hanger

Simpson Joist Hanger

1/2" plywood

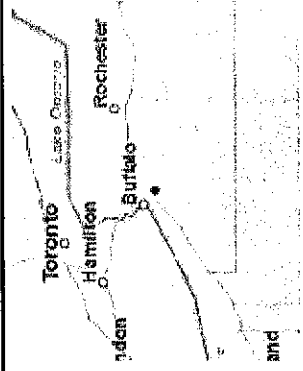


Erie County On-Line Mapping Application



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

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: 4,514

