

Original



CASE NO. 1505

DATE OF HEARING 6/18/2025

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 Anthony Giallella, III
Address 975 Schopper Road
City East Aurora State New York ZIP 14052
Phone _____ Fax _____ Email gia
Interest in the property (ex: owner/purchaser/developer) owner

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

Property Owner(s) Name(s) _____
Address _____
City _____ State _____ ZIP _____
Phone _____ Fax _____ Email _____

III. PROPERTY INFORMATION

Property Address 975 Schopper Road
SBL# 200-4-38.1
Property size in acres 3.9 Property Frontage in feet 422
Zoning District RR Surrounding Zoning A
Current Use of Property Single Family Residential

IV. REQUEST DETAIL

(check all that apply)

☒ Variance from Ordinance Section(s) # 116-8.4(c)(2) , 116-17D
☐ 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)

See Cover letter.

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)

May 12, 2025

Town of Aurora Zoning Board of Appeals
575 Oakwood Avenue
East Aurora, New York 14052

RE: Area Variance Request
Anthony Giallella, III
975 Schopper Road (SBL #200-4-38.1)
RR Rural Residential

Ladies and Gentlemen:

On behalf of Anthony Giallella we are submitting the enclosed request for an area variance related to a proposed pole barn Mr. Giallella intends to construction on his property. *See*, site survey attached as **Exhibit "A"**. Mr. Giallella is proposing to construct a 60'x80' pole barn on his property. *See*, proposed site plan attached hereto as **Exhibit "B"**. The proposed pole barn will meet all applicable setback requirements but will require a height variance because the structure will be 23' in height at the mean height of the roof while the maximum allowed by section 116-8.4(C)(2) of the Zoning Code is 15'. *See*, building elevations attached as **Exhibit "C"**. A completed copy of the Town of Aurora Zoning Board of Appeals application form is attached as **Exhibit "D"**.

Pursuant to New York Town Law 267-B(3)(b) the ZBA shall consider the following 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 area variance;
2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
3. Whether the requested variance is substantial;
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area

variance.

All of these criteria are to be evaluating by weighing the benefit to the applicant against the determine to the health, safety and welfare of the neighborhood or community by such grant.

Here, the benefit to Mr. Giallella of granting the variance greatly outweighs any detriment to the health, safety and welfare of the neighborhood or community. To begin, the proposed pole barn will be located 140' back from Schopper Road on a 3.9-acre property and largely screened by mature vegetation. Therefore, there will be no undesirable change in the character of the neighborhood, create a detriment to nearby properties nor have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. Further, immediate neighbors to the property are supportive of the requested variance. See, **Exhibit "E"**. While the applicant could construct a shorter pole barn, it would not allow him to store the vehicles and equipment that he currently owns and is seeking to store in the pole barn. While the variance sought is approximately 8', the impact from the variance will not be substantial. Finally, while the need for the variance was self-created, this is not determinative of whether the variance should be granted.

For the foregoing reasons, Mr. Giallella respectfully requests that the ZBA grant the requested height variance to permit the construction of the proposed pole barn. Should the ZBA have any questions or concerns, please do not hesitate to contact us.

Respectfully yours,

A handwritten signature in dark ink, appearing to read 'Marc A. Romanowski', with a stylized flourish at the end.

Marc A. Romanowski

/blk



1600 Liberty Building, 424 Main Street, Buffalo, New York 14202
P 716.854.3400 • www.rupppfalzgraf.com

MARC A. ROMANOWSKI
romanowski@rupppfalzgraf.com

May 13, 2025

Town of Aurora Zoning Board of Appeals
Attn: Richard Miga, Assistant Code Enforcement Officer
575 Oakwood Avenue
East Aurora, New York 14052

RE: Area Variance Request
Anthony Giallella, III
975 Schopper Road (SBL #200-4-38.1)
RR Rural Residential

Mr. Miga:

Please find enclosed please find the amended application form, which now incorporates a request for a variance from the door height limitation found in §116-17(D) of the Town of Aurora Zoning Code. Additionally, while we believe that the action is a Type II action pursuant 6 NYCRR 617.5(c)(12), we have also included Part I of the short environmental form ("SEAF").

Thank you for your time and consideration of this amended application.

Respectfully yours,

Marc A. Romanowski

/blk

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)

K. Anthony W. Gallie
Signature of Applicant/Petitioner

K. ANTHONY W. GALLIE
Print name of Applicant/Petitioner

State of New York; County of Erie

On the 12th day of May in the year 2025 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.

MARC A ROMANOWSKI
Notary Public

MARC A ROMANOWSKI
Notary Public, State of New York
No. 02RO606651
Qualified in Erie County
Commission Expires 05/13/2026

(Notary stamp)

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: _____ Type of Appeal: _____ Granted _____ Denied _____

Date: _____ Type of Appeal: _____ Granted _____ Denied _____

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



TOWN CLERK
Martha L. Librocks
(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

Luke Wochensky
lwochensky@townofaurora.com

James F. Granville
jgranville@townofaurora.com

Joseph M. McCann
jmccann@townofaurora.com

Raymond M. Wrazen
rwrazen@townofaurora.com

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

CODE ENFORCEMENT
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

May 13, 2025

Anthony Giallella, III
975 Schopper Road
East Aurora, NY 14052

Anthony:

The Building Department has reviewed your request to construct an accessory structure (Pole barn) at 975 Schopper Rd. (SBL 200.00-4-38.1). The request has been denied because it fails to meet the requirement for an accessory building/structure mean height.

Sections 116-8.4C(2): Maximum mean height.

Required: For accessory buildings/structures: One story not to exceed 15 feet.

Requested: 23'

Variance: 8'

Sections 116-17D: Limitations on accessory uses in R districts

Required: a private garage with vehicular entrance headroom more than 10 feet high;

Requested: one (1) - 12' garage door on the east side and two (2) - 14' garage doors on the north side of pole barn

Variance: 2' on the east side garage door and 4' on the north side garage doors

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.

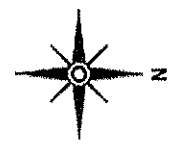
Sincerely,

Richard Miga
Assistant Code Enforcement Officer

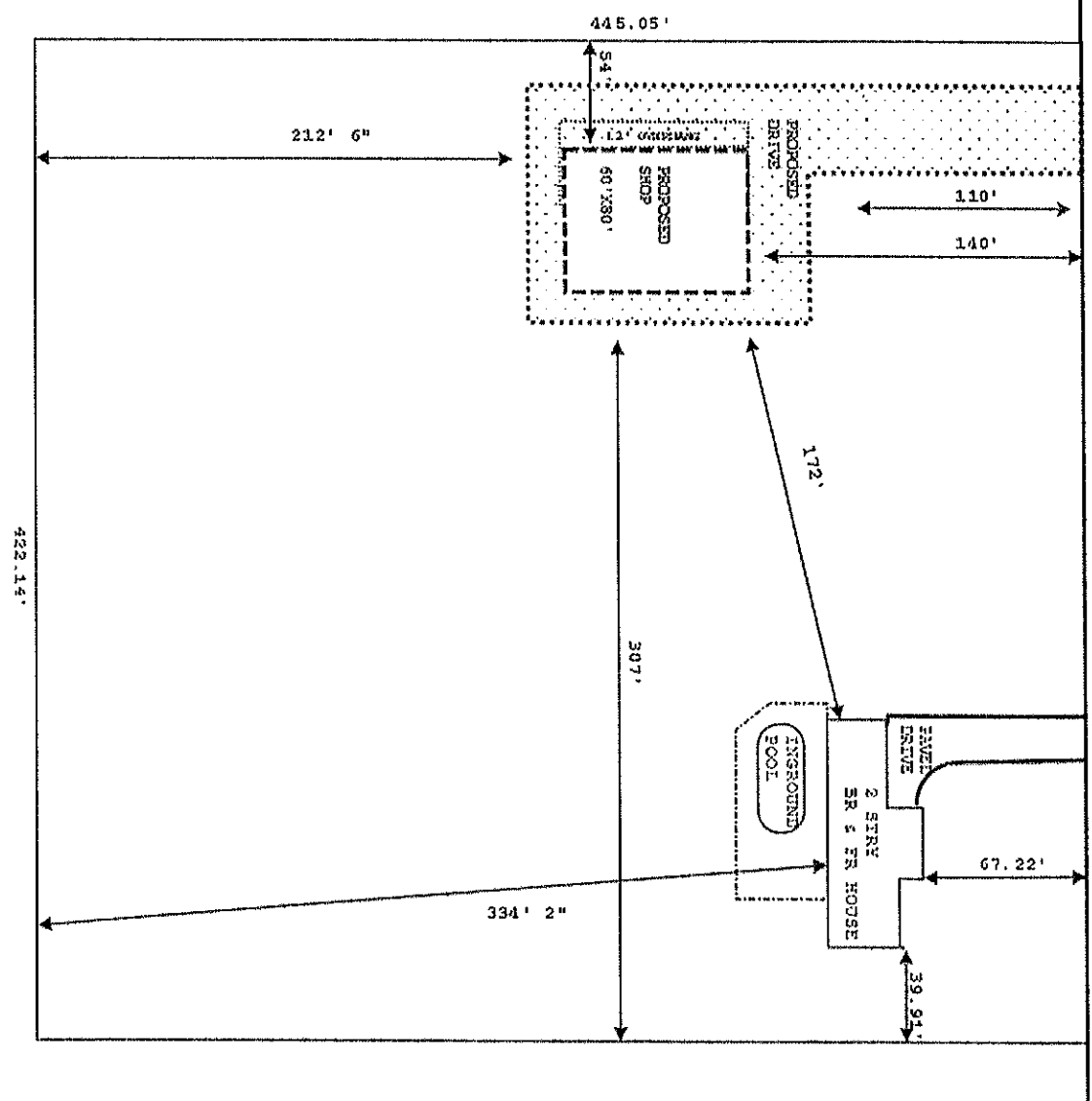
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1" : 100'

LEGEND:

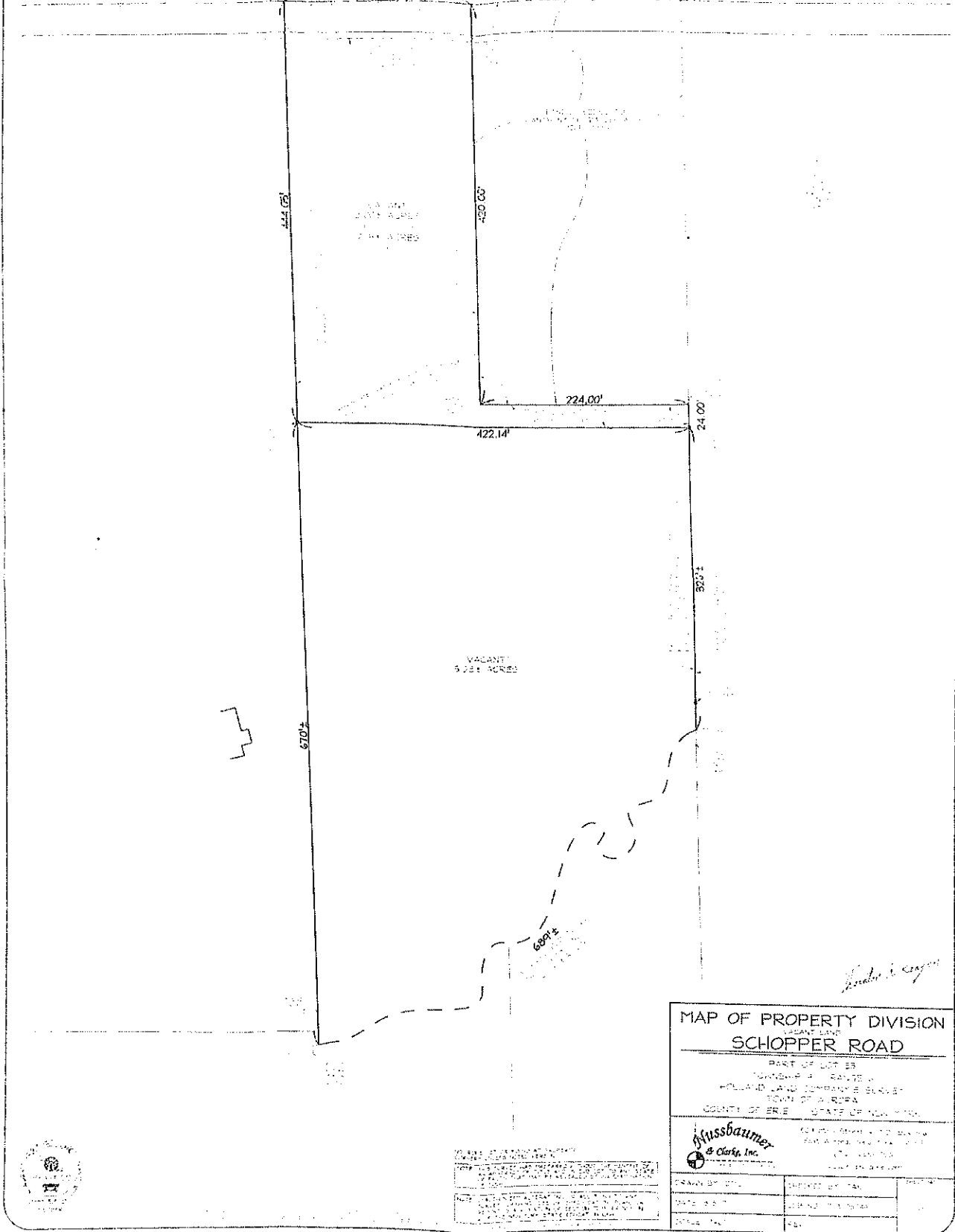
- FENCE
- DRIVE
- HOUSE
- PROPOSED SHOP
- PROPOSED DRIVE
- STONE



975 SCHOPPER ROAD
EAST AURORA, NY 14052



SCHOPPER ROAD



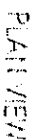
MAP OF PROPERTY DIVISION SCHOPPER ROAD

PART OF LOT 13
TOWNSHIP 4 RANGE 1
HOLLAND LAND COMPANY'S SUBDIVISION
TOWN OF SCHOPPER
COUNTY OF ERIE STATE OF PENNSYLVANIA

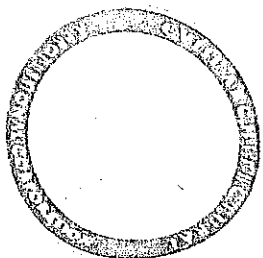
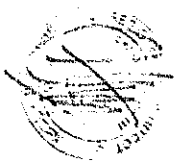
Hussbaumer & Clark, Inc.
Surveyors
1000 Schoppe Road
East Aurora, New York 14051
(716) 251-1100
FAX (716) 251-1101

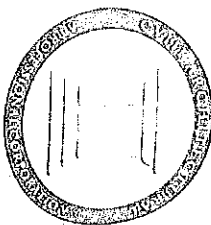
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SHEET NO. 1



POLE BUILDING:
60' x 80' x 18' HIGH





5107 RAVENHAW ROAD
HAMMURDI, NY 12072
PHONE (518) 437-1111
FAX (518) 437-1111
WWW.HAMMURDI.COM



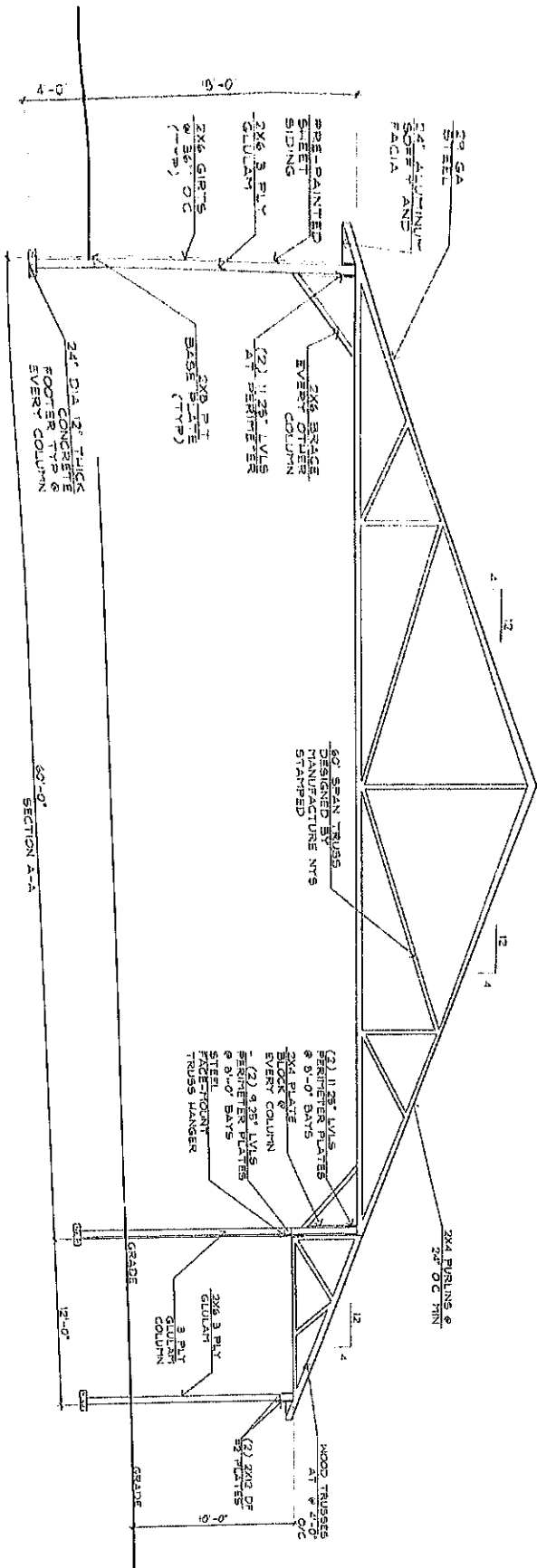
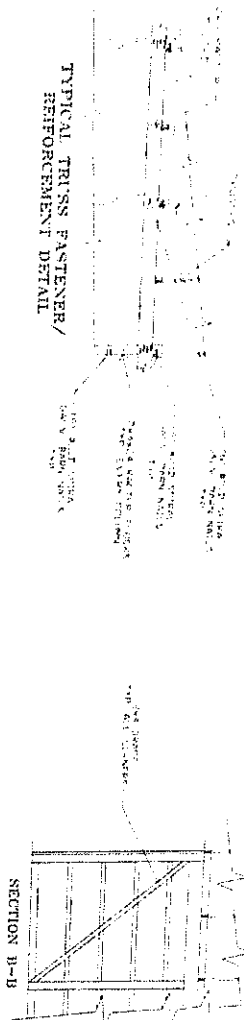
NEW POLE BUILDING

975 SCHOPPER ROAD,
EAST AURORA, N.Y. 12052

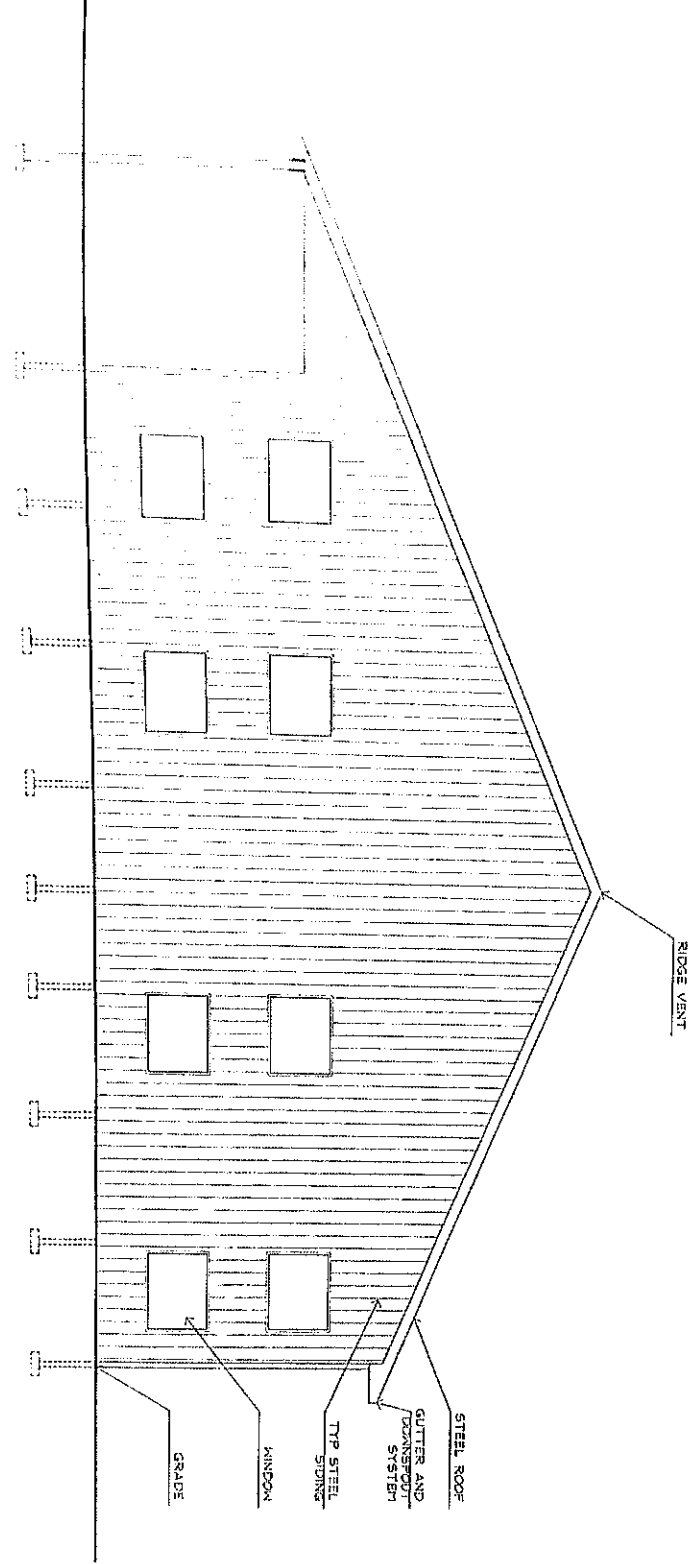
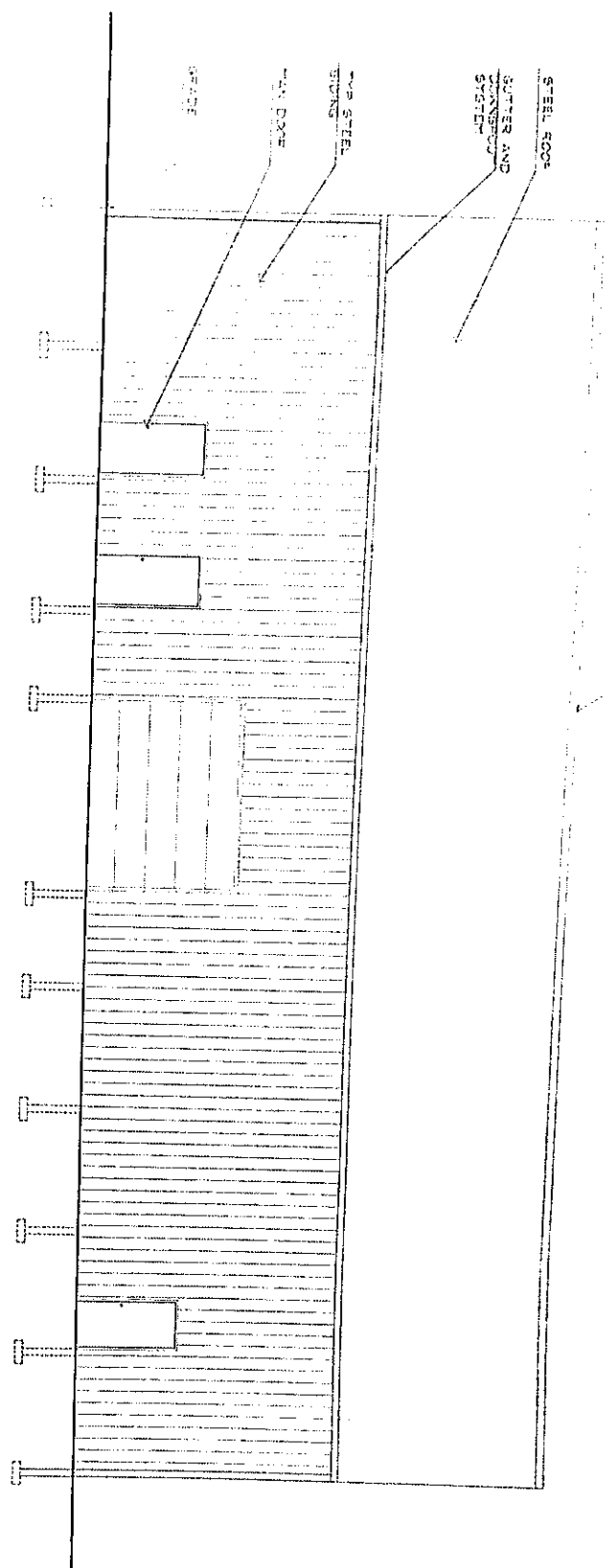
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SECTION

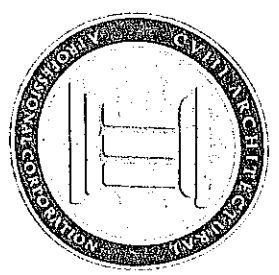
SHEET NO. 2



SECTION AND DETAILS



EXTERIOR ELEVATIONS



5167 BAYVIEW ROAD
HAMBURG, NY 14075
PHONE 716-440-7740
FAX 716-440-7740
WWW.EVARCH.COM

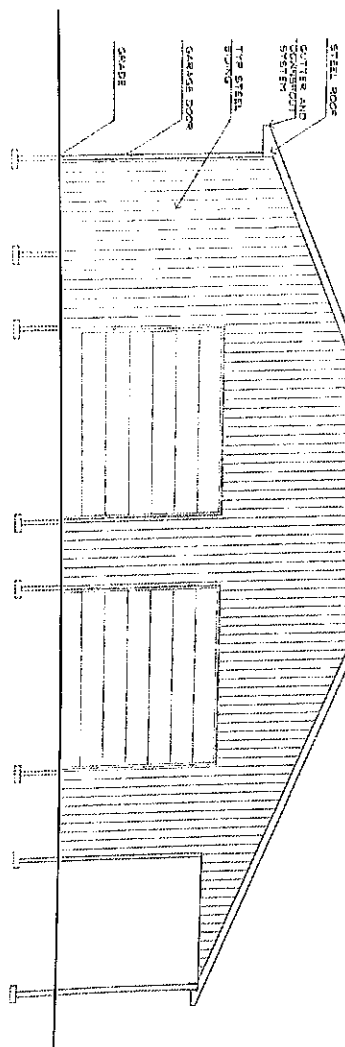
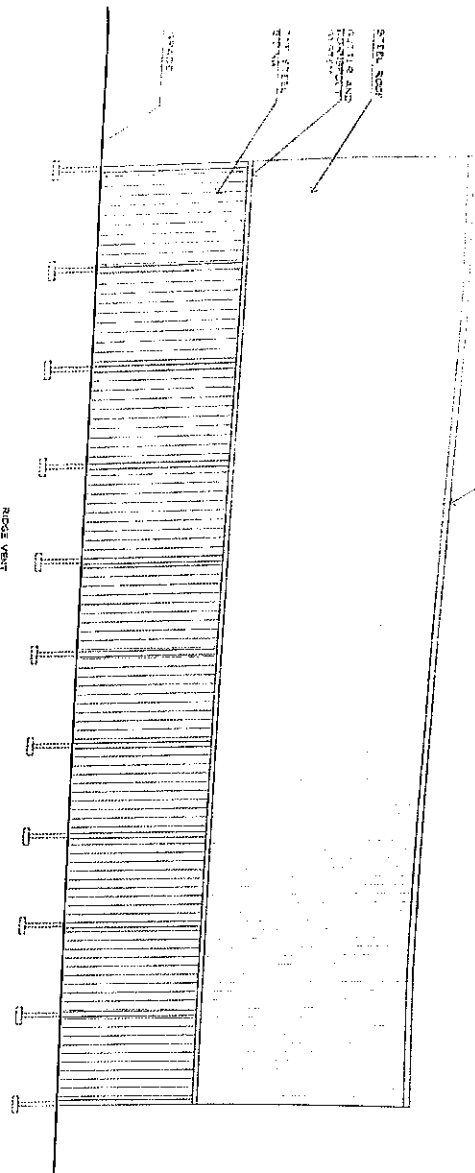


NEW POLE BUILDING:
975 CHOPPER ROAD,
EAST AURORA, N.Y. 14052

DATE	4/1/2005
ISSUE DATE	4/1/2005
FILE NAME	5505 CHOPPER.DWG
PROJECT NUMBER	5505
SCALE	1/8" = 1'-0"
DRAWN BY	CW
CHECKED BY	AL

ELEVATIONS

SHEET NO. 3



EXTERIOR ELEVATIONS

3/12/11

SHEET NO. 3

ELEVATIONS

DATE	4/22/11
BY	W. J. HARRIS
CHECKED BY	W. J. HARRIS
SCALE	AS SHOWN
PROJECT NUMBER	2009-00000000
CLIENT	NEW POLE BUILDING
LOCATION	975 SCHOPPE ROAD, EAST AURORA, N.Y. 14052

NEW POLE BUILDING
975 SCHOPPE ROAD
EAST AURORA, N.Y. 14052



5167 JAYVIEW ROAD
HAMBURG, NY 14075
PHONE: 416-440-7740
FAX: 416-440-7741
WWW.WJHARRIS.COM



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: Giallella Pole Barn			
Project Location (describe, and attach a location map): 975 Schopper Road			
Brief Description of Proposed Action: Mr. Giallell is proposing to construct a 60'x80' pole barn on his property. The purpose of the pole barn is to provide a building within which the Applicant can store equipment and vehicles.			
Name of Applicant or Sponsor: Anthony Giallella		Telephone:	
		E-Mail:	
Address: 975 Schopper Road			
City/PO: Aurora		State: New York	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 ☒
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:			YES ☐
3. a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			3.9 acres .41 acres 3.9 acres
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. ☐ Urban ☒ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☒	☐
b. Consistent with the adopted comprehensive plan?	☐	☒	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	☒	☐	
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?	☒	☐	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☒	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	☐	☒	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ Septic System. _____	☒	☐	
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?	NO	YES	
	☒	☐	
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?	☒	☐	
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	
	☐	☒	
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: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☒ Forest ☒ Agricultural/grasslands ☒ Early mid-successional ☐ Wetland ☐ Urban ☐ 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
	☒	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	☐	☒
a. Will storm water discharges flow to adjacent properties?	☒	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? 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
	☒	☐

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
	☒	☐

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
	☒	☐

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Marc A. Romanowski, Esq. as Attorney for the Applicant</u> Date: <u>May 13, 2025</u>		
Signature: <u><i>Marc A. Romanowski</i></u> Title: <u>Attorney for Applicant</u>		

March 21, 2025

VIA ELECTRONIC MAIL

Town of Aurora Zoning Board of Appeals

Attn: Sheryl Miller, Secretary
575 Oakwood Avenue
East Aurora, New York 14052

Ladies and Gentlemen:

RE:

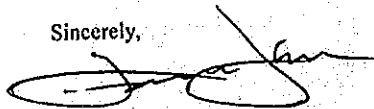
Proposed Pole Barn

975 Schopper Road, East Aurora, NY 14052

We are neighbors to Anthony and Erica Giallella (the "Giallella's") and we have been informed about their proposed pole barn at their property located at 975 Schopper Road. We understand the pole barn will be approximately 30' tall and that the Giallella's are requesting a 6' height variance from the Town of Aurora Zoning Board of Appeals.

We are supportive of this request.

Sincerely,

A handwritten signature in black ink, appearing to be "John Giallella", written over a horizontal line.

March 1, 2015

VIA ELECTRONIC MAIL

Town of Aurora Zoning Board of Appeals

Attn: Sheryl Miller, Secretary
575 Oakwood Avenue
East Aurora, New York 14052

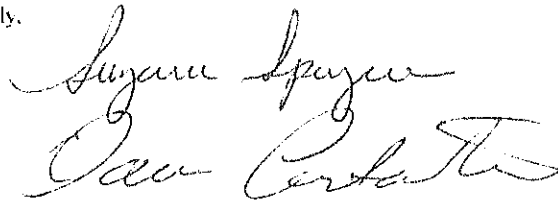
Ladies and Gentlemen:

RE: Proposed Pole Barn
975 Schopper Road, East Aurora, NY 14052

We are neighbors to Anthony and Erica Giallella (the "Giallella's") and we have been informed about their proposed pole barn at their property located at 975 Schopper Road. We understand the pole barn will be approximately 30' tall and that the Giallella's are requesting a 6' height variance from the Town of Aurora Zoning Board of Appeals.

We are supportive of this request.

Sincerely,

Two handwritten signatures in cursive script. The first signature is "Suzanne Spitzer" and the second is "Dan Carlati".

1021 Schopper Rd.

March 17, 2015

VIA ELECTRONIC MAIL

Town of Aurora Zoning Board of Appeals

Attn: Sheryl Miller, Secretary
575 Oakwood Avenue
East Aurora, New York 14052

Ladies and Gentlemen:

RE: Proposed Pole Barn
975 Schopper Road, East Aurora, NY 14052

We are neighbors to Anthony and Erica Giallella (the "Giallella's") and we have been informed about their proposed pole barn at their property located at 975 Schopper Road. We understand the pole barn will be approximately 30' tall and that the Giallella's are requesting a 6' height variance from the Town of Aurora Zoning Board of Appeals.

We are supportive of this request.

Sincerely,

Thomas C. L. Henry
972 Schopper Rd.

March 1, 2025

VIA ELECTRONIC MAIL

Town of Aurora Zoning Board of Appeals

Attn: Sheryl Miller, Secretary
575 Oakwood Avenue
East Aurora, New York 14052

Ladies and Gentlemen:

RE: Proposed Pole Barn
975 Schopper Road, East Aurora, NY 14052

We are neighbors to Anthony and Erica Giallella (the "Giallella's") and we have been informed about their proposed pole barn at their property located at 975 Schopper Road. We understand the pole barn will be approximately 30' tall and that the Giallella's are requesting a 6' height variance from the Town of Aurora Zoning Board of Appeals.

We are supportive of this request.

Sincerely,

Walter Handberg Jr
925 Schopper

March 1, 2025

VIA ELECTRONIC MAIL

Town of Aurora Zoning Board of Appeals

Attn: Sheryl Miller, Secretary
575 Oakwood Avenue
East Aurora, New York 14052

Ladies and Gentlemen:

RE: Proposed Pole Barn
975 Schopper Road, East Aurora, NY 14052

We are neighbors to Anthony and Erica Giallella (the "Giallella's") and we have been informed about their proposed pole barn at their property located at 975 Schopper Road. We understand the pole barn will be approximately 30' tall and that the Giallella's are requesting a 6' height variance from the Town of Aurora Zoning Board of Appeals

We are supportive of this request.

Sincerely,

Dale Noz...

for W...

934 Schopper

March 21, 2015

VIA ELECTRONIC MAIL

Town of Aurora Zoning Board of Appeals

Attn: Sheryl Miller, Secretary
575 Oakwood Avenue
East Aurora, New York 14052

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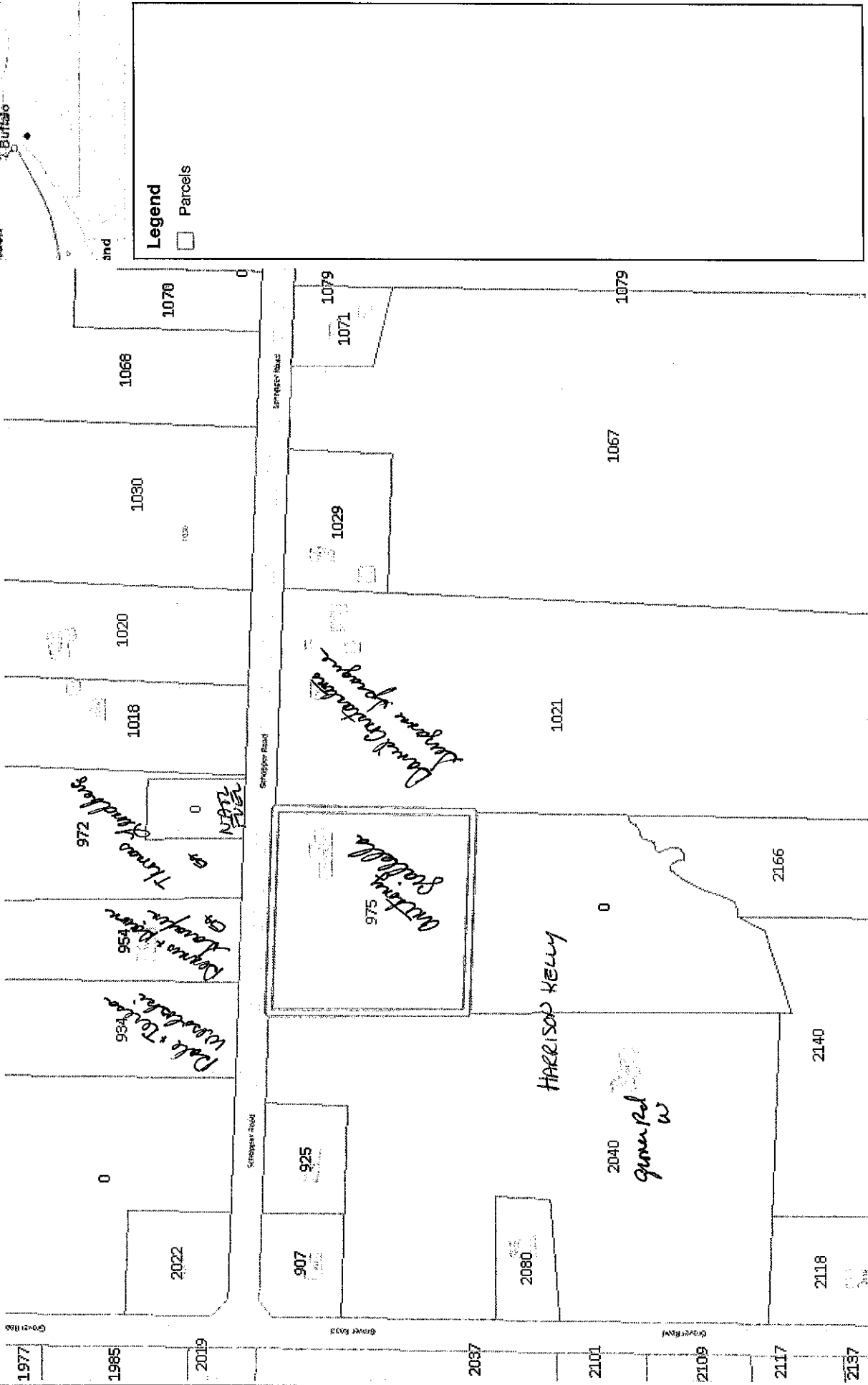
We are supportive of this request

Sincerely,


954 Schopper



Erie County On-Line Mapping Application



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

