

PETITION

TO AMEND THE ZONING MAP OF THE TOWN OF AURORA, NEW YORK, OR FOR USE PERMIT BY THE TOWN BOARD

TO: THE TOWN BOARD OF THE TOWN OF AURORA, NEW YORK

Pursuant to Article IX of the Zoning Ordinance of the Town of Aurora, the undersigned owner(s) and petitioner(s) hereby request that the Zoning Map of the Town of Aurora, be amended as follows:

1. Nicholas P. Tuttle
Name (First) (Middle Initial) (Last)

2. Location of property to be rezoned: 359 Quaker Road, East Aurora, NY 14052
SBL # 175.04-3-9

3. Area, in square feet, of the property to be rezoned: 30,000.00 feet
Dimension of the property to be rezoned: 150' x 200'

4. If the petitioner is not the owner of the property:
PBI Holdings of WNY LLC 359 Quaker Road, East Aurora, NY 14052
Owner's Name and Address
Owner's Name and Address

What is the interest of the petitioner in the proposed rezoning?

Petitioner is attorney for the owner of the Property.

5. Petitioner understands and agrees to furnish any of the following if requested by the Town Board or its agencies: An accurate survey map prepared by a licensed surveyor showing all dimensions, including interior angles or bearing of lines, and the location, proposed use and height of all buildings; location of all parking and truck loading areas, with access and egress drives thereto; location of outdoor storage, if any; location of all existing or proposed site improvements, including drains, culverts, retaining walls and fences; description of method of sewage disposal and location of such facilities; location and size of all signs; location and proposed development of buffer areas; location and design of lighting facilities; and the amount of building area proposed for retail sales, if any.

6. Attach the legal description of the property to be rezoned.

7. Present zoning classification of the property: Industrial (I) C3 COMMERCIAL

8. Proposed zoning classification of the property: Residence 3 (R-3)

9. Present use of the property: Office Building

10. Proposed use of the property: Two 5-unit apartment buildings

11. Description of uses on all adjacent properties and a general description of the type of neighborhood in which the subject property is located: API Delevan Inc is a Manufacturing Plant located next easterly to the Proeprty. 3095 Southwestern Blvd, Inc. is an office building next westerly to the Proeprty. This area of Quaker road is mixed use consititing of buisnesses and residential housing across the street.

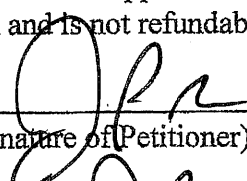
12. Names and Addresses of Owners of Abutting Properties:

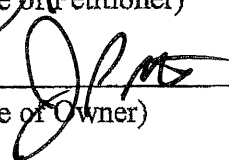
- 1. API Delevan Inc. 270 Quaker Road, East Aurora, NY 14052
- 2. 3095 Southwestern Blvd Inc. 0 & 400 Quaker Road, East Aurora, NY 14052
- 3. PITCHER 348 QUAKER EA
- 4. LEGACY POLO GRNDS 1350 QUAKER EA
- 5. \_\_\_\_\_
- 6. \_\_\_\_\_
- 7. \_\_\_\_\_

13. Additional information which the petitioner believes will assist the Town Board in its consideration of this request for rezoning: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

14. Petitioner(s) acknowledge that payment of the application fee is for administrative and advertising expense to the Town as a result of this application and in no way relates to either approval or disapproval of the application and is not refundable.

Date: 10/26/2022

  
(Signature of Petitioner)


  
(Signature of Owner)

STATE OF NEW YORK }  
COUNTY OF ERIE } SS:  
TOWN OF AURORA }

On this 26<sup>th</sup> day of October, 2022, personally appeared before me

John Patti & Nicholas P. Tuttle  
(Name) (Address)

the petitioner, to me known to be the same person described in and who signed and executed the foregoing petition and who duly acknowledged to me the execution of the same for the purpose therein mentioned.

  
(Notary Public)

ROSANNE C. ADAMOWICH  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires January 31, 2026

# 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.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: Rezoning of 359 Quaker Road, East Aurora			
Project Location (describe, and attach a location map): 359 Quaker Road, East Aurora, NY 14052			
Brief Description of Proposed Action: This Project would consist of removing an office building that is currently on the property and building two 5-unit apartment buildings and associated parking on the property.			
Name of Applicant or Sponsor: Nicholas Tuttle, as attorney for PBI Holdings of WNY, LLC		Telephone: (716) 648-7000 E-Mail: ntuttle@attealaw.com	
Address: 11 Main Street			
City/PO: Hamburg		State: MY	Zip Code: 14075
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 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:			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 0.7 acres b. Total acreage to be physically disturbed? _____ 0.7 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 0.7 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" 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 type="checkbox"/> Parkland			

		NO	YES	N/A
5. Is the proposed action,	a. A permitted use under the zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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?			NO	YES
If Yes, identify: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply?			NO	YES
If No, describe method for providing potable water: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities?			NO	YES
If No, describe method for providing wastewater treatment: _____ Note that a public sanitary sewer extension is part of the project. _____		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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?			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?	<input checked="" type="checkbox"/>	<input 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
	b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ Note that there are not wetlands on site, there may be wetlands on a adjacent parcel. _____ _____		<input checked="" type="checkbox"/>	<input 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 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
If Yes, briefly describe:		
Storm water will connect to the NYSDOT drainage system in Rte 20A following the private on-site storm water management area		
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 type="checkbox"/>	<input checked="" type="checkbox"/>
Storm water management, size TBD		
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"/>

**I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE**

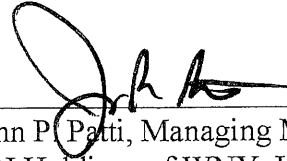
Applicant/sponsor/name: Nicholas P. Tuttle, as attorney for PBI Holdings of WNY, LLC Date: 10/26/2022

Signature:  Title: PARTNER

John P. Pathi

PBI Holdings  
359 Quaker Road  
East Aurora, NY 14052

I, JOHN P. PATTI, am a Managing Member of PBI Holdings of WNY, LLC (the "Company"). The Company is the owner of a piece of real property in the Town of Aurora more commonly known as 359 Quaker Road, East Aurora, NY 14052 (the "Property"). As part of a plan to develop this property, the Company is seeking a rezoning of the Property from its current zoned use of Industrial to a zoning designation of Residence 3 through the Town of Aurora. As such, the Company hereby authorizes and directs the law firm of Attea and Attea, P.C. to act on their behalf with regard to the rezoning the Property.



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John P. Patti, Managing Member of  
PBI Holdings of WNY, LLC

