

(Submit in Triplicate)

WS-9

5E

PETITION

TO AMEND THE ZONING MAP OF THE TOWN OF AURORA, NEW YORK

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:

I. John R. HERBST
Name (First) (Middle Initial) (Last)

2. Location of property to be rezoned: 1686 + 1688 DAVIS Rd
SBL# 199.01-3-9 100' x 85' SBL# 199.01-3-10 170' x 240'

3. Area, in square feet, of the property to be rezoned: 3 Acres +-

Dimension of the property to be rezoned: 3000 FT. Warehouse 2000 sqft. Apartment & store

4. If the petitioner is not the owner of the property:

[Signature]
Owner's Name and Address

Owner's Name and Address

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

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: R2

8. Proposed zoning classification of the property: C3

9. Present use of the property: Store & Warehouse

10. Proposed use of the property: Same

11. Description of uses on all adjacent properties and a general description of the type of neighborhood in which the subject property is located: Residential

12. Names and Addresses of Owners of Abutting Properties:

- 1. Dorothy DOTY 1756 Davis
- 2. John R. HERBST 1600 Davis
- 3. _____
- 4. _____
- 5. _____
- 6. _____
- 7. _____

13. Additional information which the petitioner believes will assist the Town Board in its consideration of this request for rezoning: The property has been in CONTINUAL BUSINESS USE SINCE THE 1930'S

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: 1-19-24 John R. Herbst
 (Signature of Petitioner)
John R. Herbst
 (Signature of Owner)

STATE OF NEW YORK }
COUNTY OF ERIE } SS:

On this 19 day of January 2024 personally appeared before me
JOHN R. HERBST
 (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.

MARtha L. LIBROCK
 (Notary Public)

MARTHA L. LIBROCK
 Notary Public, State of New York
 No. 01LI5028312
 Qualified in Erie County
 My Commission Expires May 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.

Part 1 - Project and Sponsor Information			
Name of Action or Project: <i>Zoning Change</i>			
Project Location (describe, and attach a location map): <i>1686 & 1688 DAVIS Rd. WEST FALLS, NY 14170</i>			
Brief Description of Proposed Action: <i>Change zoning to PERMANENT Commercial.</i>			
Name of Applicant or Sponsor: <i>John R. HERBST</i>		Telephone: <i>716</i>	
		E-Mail: <i>Val</i>	
Address: <i>1600 DAVIS Rd.</i>			
City/PO: <i>WEST FALLS</i>		State: <i>NY</i>	Zip Code: <i>14170</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 type="checkbox"/>
			YES <input checked="" 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 <input type="checkbox"/>
			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<i>31</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?		_____ 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 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			

Transfer.com

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input 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 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 type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input 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 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 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 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 type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<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	
	<input 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 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 type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input 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 type="checkbox"/>	<input type="checkbox"/>	
a. Will storm water discharges flow to adjacent properties? <input 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 type="checkbox"/> NO <input type="checkbox"/> YES			

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)? If Yes, explain purpose and size: _____ _____ _____	NO <input type="checkbox"/>	YES <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 <input type="checkbox"/>	YES <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 <input type="checkbox"/>	YES <input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>John R. Herbst</u> Signature: <u>John R. Herbst</u>	Date: <u>1-19-24</u>	

2.16 ACS.

2.16 ACS.±

3.3 ACS.±
EXCLUDING
HIGHWAY

0.9 ACS.±
EXCLUDING
HIGHWAY

1.1 ACS.±
EXCLUDING
HIGHWAY

LOT 58

"BUFFALO & GOLDEN PLANK ROAD"
(OLD GLENWOOD ROAD)

B & O RAILROAD
(FORMERLY B. & O. R. R.)

NEW DAVIS ROAD

1.9 ACS.± EXCL.

SERVICE STATION

NORTH LINE HAAS
L 14 58 P 404

CONC. NORTH LINE LOVET DOTY L.R.
MON. L 739 P 80

WEST LINE LOT 51
1040.88 N TO SO LINE LOT 50
376.4
186.8
395.0±
308.9
500

SCHMIDT

PARALLEL

295.0±
N 89°W 7.50 CH. = 495.0

200

220

245.9
335.0

33.4
7.8

91.7
16.9

CONC. MON.

NORTH LINE OF JOHN
R. HERBST L 860 P 800

CONC. MON.

100.0

S 89°E 9.60 CH. = 133.60

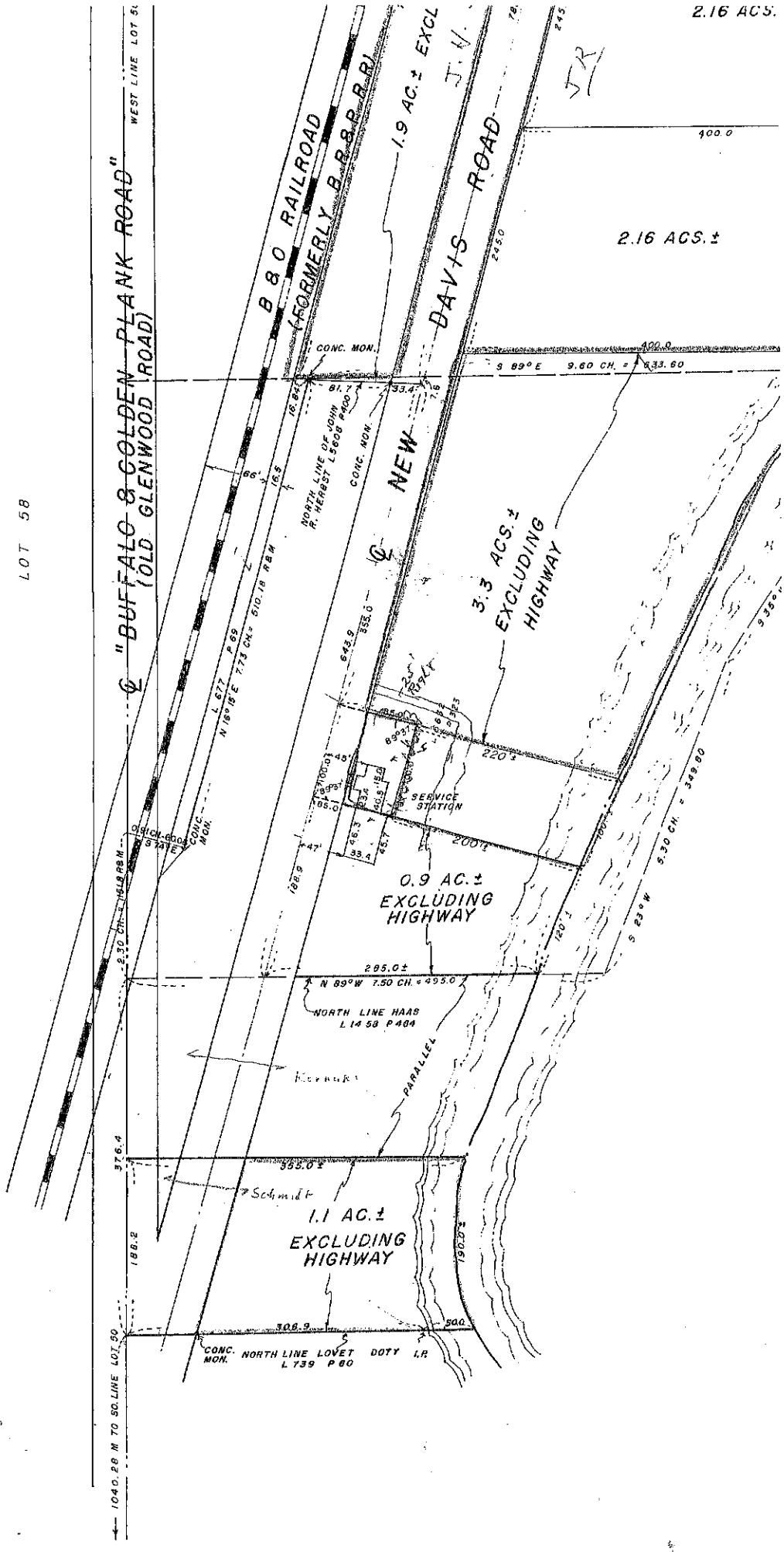
245.0

400.0

275

78

V.R.



Miscellaneous Notes

- (M1) Some features shown on this map may be shown out of scale for clarity.
- (M2) Dimensions on this map are expressed in feet and decimal parts thereof unless otherwise noted. Bearings are referred to an assumed meridian and are used to denote angles only. Monuments were found at points where indicated.
- (M3) Unauthorized Alteration or Addition to this Survey Map is a Violation of Section 7209 Provision 2 of the New York State Education Law.
- (M4) This Survey was prepared without the benefit of an up-to-date abstract of title and is subject to any state of facts that may be revealed by an examination of such.
- (M5) THIS MAP IS NOT VALID WITH AFFIDAVIT OF NO CHANGE

Legend of Symbols & Abbreviations

IP / Flagged	North	Encroachment
Light Pole	South	R/W
Princ. Sign. Box	West	Right-of-Way
Storm Inlet	East	Contending
Water Valve	Diagonal	Indefinite Method
View	Record	N/W
High	Recon	Now or Formerly
	Leas. Interest	One Chain = 66.0 FT.
	Prop. Boundary	One Meter = 3.2808333 FT.
	Line of Record	One Acre = 43,560.0 Sq. Ft.
	Edge of B.A.M.K.	
	Holland Land Co. Lot Line	
	Road Centerline	
	Fence Along Line	

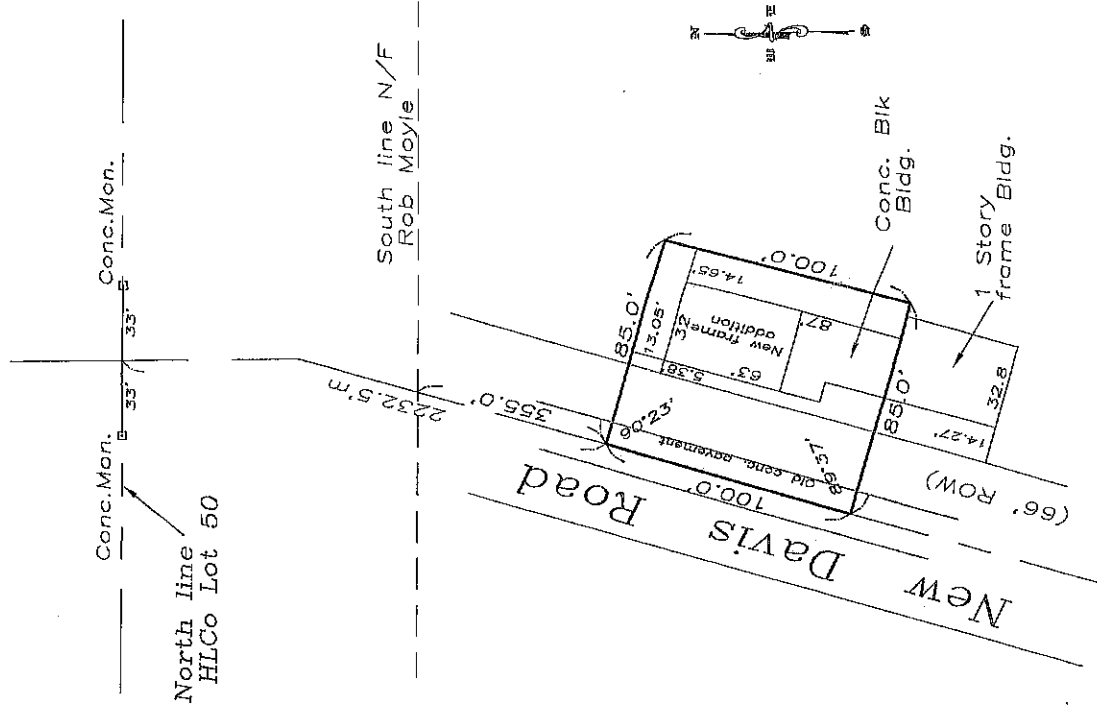
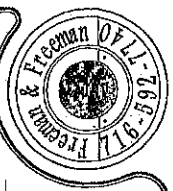
Survey

Being Part of
 Lot 50 Township 9 Range 6
 Holland Land Company Survey
 Town of Aurora
 Erie County, New York

Surveyor's Certification
 I hereby certify
 that this survey was prepared in accordance with the general code of Practice for Land Surveyors adopted by the New York State Legislature and the National Association of Professional Surveyors and is correct to the best of my knowledge and belief.
 This certification does not extend to subsequent errors, omissions, or changes which the survey has been re-surveyed for this purpose by the surveyor. This certification is void unless combined with the original field notes and read in full and publication is not made.

David Scott Freeman

Survey Prepared By:
 Licensed Surveyor: David Scott Freeman
 License No.: 000469
 In the State of: New York
 Date of Survey: November 20, 1993
 Locate Building additionally 11, 2003
 Drawing Scale: 1" = 50'
 Freeman & Freeman
 1000 Erie Street
 Buffalo, NY 14203
 Phone: (716) 892-7740 Fax: (716) 892-4007
 www.FreemanSurveyors.com



Utility Notes

- (U1) Certain easements and/or utility lines, may or may not be shown. However, this shall not imply that all easements or utilities affecting premises are shown.
- (U2) No investigation has been made for subterranean utility lines, sewers, drains, conduits, etc. Information shown is based upon surface indications or utility records as requested by client.
- (U3) Before digging in this area, call Under Ground Services for field locations (request for ground markings) of underground utility lines.

Copyright Information

- 1 This Survey is published in many different colors. Any Black and White reproduction is not a valid map from Freeman and Freeman Land Surveyors.
- 2 This Map is not valid unless EMBOSSED with New York State Licensed Land Surveyor's Seal #050460

Reference Data

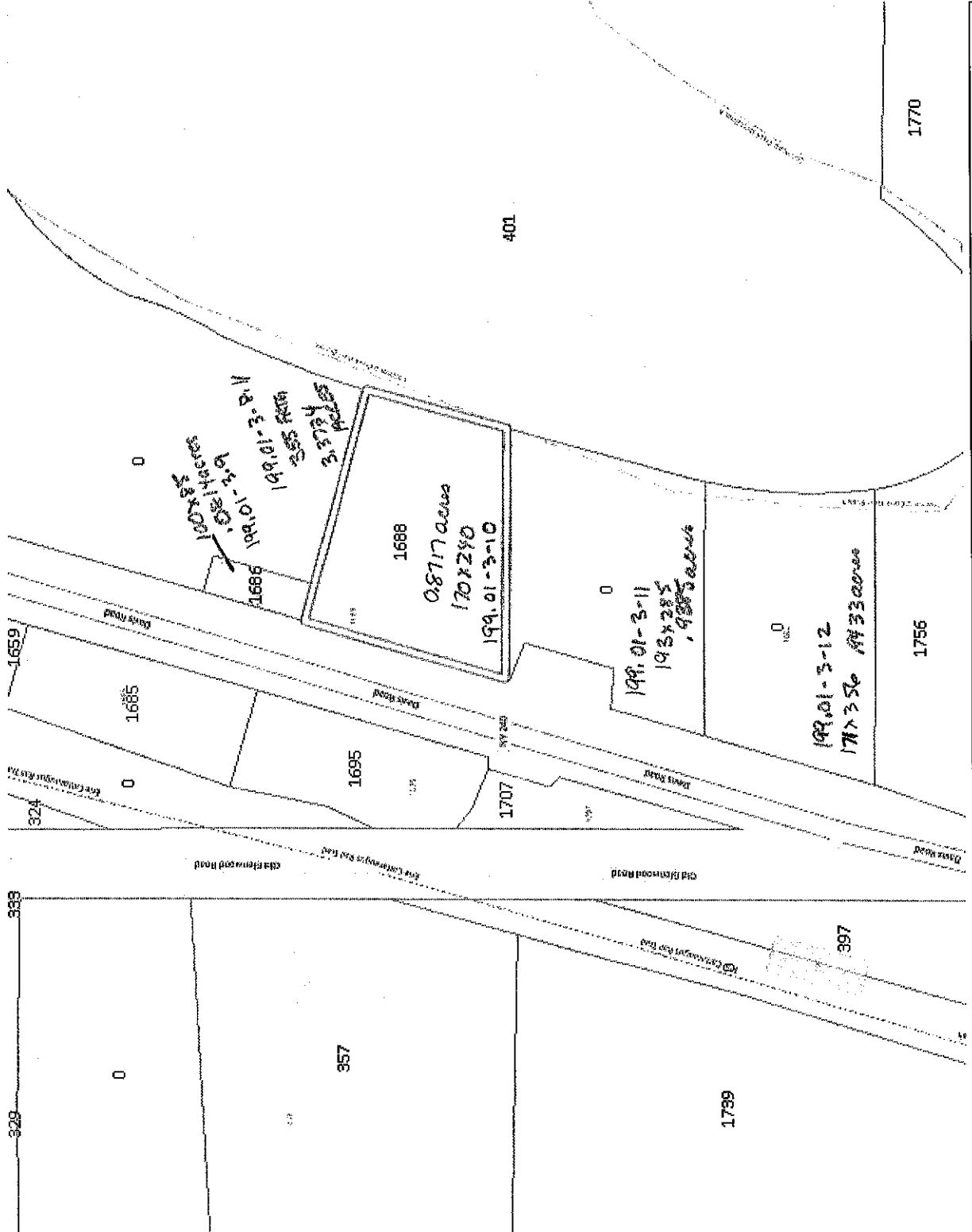
- (R1) Maps and notes from the Holland Land Company Survey.
- (R2) Freeman & Freeman original survey (1993)

Statement of Encroachments

- (A) No encroachments were noted or surveyed to in the original field survey.



Erie County On-Line Mapping Application



Legend

- Parcels

1: 2,257

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.

**ERIE COUNTY
DEPARTMENT OF ENVIRONMENT & PLANNING
OFFICE OF GIS**

0 0.04 0.1 Miles
WGS 1984 Web Mercator Auxiliary Sphere
THIS MAP IS NOT TO BE USED FOR NAVIGATION