

# TOWN OF AURORA

575 OAKWOOD AVENUE, EAST AURORA, NY 14052  
BUILDING DEPARTMENT  
(716) 652-7591

## MEMO

TO: Supervisor Snyder and Town Board Members

FROM: Elizabeth Cassidy, Code Enforcement Officer

DATE: November 19, 2024

The Building Department has received a site plan application for Corner Market at 1045 Davis Rd, West Falls, as submitted by WNY West Falls, Inc. The property received a site plan in 2023; however, the project has been scaled back and a new plan submitted. The project calls for an addition to the south side of the convenience store building for a beer cave, interior, and exterior renovations. No additional paving will be required, and no changes are proposed to the self-storage buildings.

The site plan shall be referred to the Planning Board for their review and recommendation. Additionally, the application shall be referred to Erie County Department of Environment and Planning due to the proximity of the property to a State Highway (Rt 240/Davis Rd).

This is a Type II action for purposes of SEQRA.

Thank you,  
liz

1045 Dams Rd

11/22/24 Renew

### Submission Requirements for Town of Aurora Site Plan Review

The Applicant shall submit to the Superintendent of Building a completed Site Plan Review application as well as 15 copies of the following documents where deemed necessary.

- ✓ 1. A boundary survey with site plan showing proposed lots, building locations (Proposed and existing), land use areas, utility easements, right-of-way boundaries, North arrow, date, scale, existing wetlands were applicable.
- ✓ 2. Topographical Survey based on United States Geological Survey data to extend a reasonable distance beyond proposed site. **Also list any changes to current topography.** + Urban map
- ✓ 3. Location of existing and proposed easements.
- NA 4. Existing natural features such as watercourses, waterbodies, wetlands, wooded areas, flood hazard areas, 15% or more slope areas. Any changes to these features are to be noted.
- NA 5. Stormwater pollution prevention plan (SWPPP), if affecting an acre or more
- ✓ 6. Soil Test, regarding characteristics, capabilities and/or limitations for development according to TOA soil district  
Soil types identified. TOA Soil Map does not require full soil bore test.
- ✓ 7. Location and design of all existing on-site as well as neighboring improvements including drainage, culvert pipes, waterlines, sanitary and storm sewer systems, retaining walls and fences.   
Drainage ditch @ street only
- ✓ 8. Location and design of all utilities, proposed and existing, including, but not limited to electric, gas, water, cable, etc.
- ✓ 9. Location and design of all proposed and existing streets, parking lots, service areas, access drives, bicycle and pedestrian ways within and neighboring proposed site. NA
- ✓ 10. Location, height of buildings and front, side, and rear lot dimensions of all proposed buildings.
- ✓ 11. Location of all open space designated for "Green space", parks, playgrounds, landscape screening and general landscape proposals.
- ✓ 12. Location, size and design of all proposed signage and outdoor lighting. (existing sign)
- ✓ 13. Building elevation drawings, when required.
- ✓ 14. Grading and drainage plan showing existing and proposed contours at intervals not exceeding 2 feet. Include measures, devices and or structures for erosion and runoff control during and after construction.
- ✓ 15. Location of nearest fire hydrants and access for firefighters and their equipment.
- ✓ 16. Landscaping plan identifying plant materials, location of refuse areas, dumpsters and outdoor storage. NA  
Provisions for visual and noise screening. NA
- ✓ 17. Short EAF form – see attached
18. If not in 'B' district, notify abutting properties of proposed plans (Building Department will help).
- NA 19. Is approval needed by any other agency such as NYS Freshwater Wetland permit, US Army Corp of Engineer and Federal Wetland impact permit for this project? If so, list the approval type and time frame of approval.

N

**TOWN OF AURORA  
SITE PLAN REVIEW APPLICATION**

Date submitted: 11-12-2024

Applicant name: WNY West Falls LLC

Applicant Phone/Email: 716-544-5632 WNY Energy@hotmail.com

Applicant address: 1045 Davis rd West Falls NY

Property owner: WNY West Falls LLC

Owner's address 1868 Niagara Falls Blvd Suite 303 Tonawanda NY 14150

Property address: 1045 Davis rd West Falls NY

SBL # (s) 186.00-5-32.2

Prior owner Marc Capretto

Is site adjacent to or within 500 feet of an 'R' District? yes

=====

Proposed Project: C Store & Deli Renovation

Commercial  Multi family  Number of dwelling units \_\_\_\_\_

Zone: C-2 Total property Acreage: 1.966 Acreage covered by bldg .05

Square footage of building: 2430 SF Cubic footage of building: 24,180

Aggregate square footage of other buildings on property: 10,060 SF

**Fees, based on number of improved acres\***

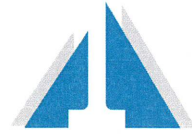
*\*Additional professional services, including but not limited to traffic study and SEQRA review, utilized by the Town during the review process shall be borne by the applicant*

0-1 Acres: \$250     1.01-5Acres: \$500     5.01-10 Acres: \$1,000     >10 Acres: \$1,500

Fee: \$ \$ 250.00  
Receipt: # \_\_\_\_\_

Received by \_\_\_\_\_  
Town Clerk/Deputy Clerk

SEQOR action:    \_\_\_ Type I (Long EAF)     Type II <sup>Short</sup> (Long EAF)    \_\_\_ Unlisted (Short EAF)



**K1 ARCHITECTURE**

716-908-1755  
Suite 403  
567 Exchange Street  
Buffalo, New York 14210

November 12, 2024

Elizabeth Cassidy  
Town of Aurora/Village of East Aurora  
Code Enforcement Officer  
75 Oakwood Ave, East Aurora, NY 14052

Reference: WNY Energy  
1045 Davis Road  
West Falls NY 14170

RE: Beer Cooler Addition & Interior Renovation.  
Revised Site Plan Submission.

### **Project Description**

The original approved site plan in 2023 had 848 square feet of additions. The New Site Plan has only 544 square feet of additions consisting of a new single story Beer Cooler that is being built over an existing paved area (pavement will be removed and new concrete poured).

The new parking lot striping is being completed over existing paved areas. Existing Grass areas are noted on the enclosed Site/Grading Plan. Existing drainage patterns have not been changed.

I can be reached at 908-1755 if you have any questions regarding this Site Plan submission.

Sincerely yours,

**K1** Architecture PLLC

A handwritten signature in blue ink that reads "Robert Kasprzak". The signature is written in a cursive style with a blue ink color.

Robert F. Kasprzak, AIA

## 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>				
1045 Davis Road West Falls NY, WNY Energy INC.				
Name of Action or Project: 1045 Davis Road West Falls NY				
Project Location (describe, and attach a location map): See Attached MAP				
Brief Description of Proposed Action: Interior Renovation 1634 SF. 16'-0" x 34'-0" Beer Cave Addition				
Name of Applicant or Sponsor: WNY Energy INC.		Telephone: 716-544-5632 E-Mail: wnyenergy@hotmail.com		
Address: Suite 303, 1870 Niagara Falls Boulevard,				
City/PO: Tonawanda		State: New York	Zip Code: 14150	
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 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: Town of Aurora/Village of East Aurora Town Board, Planning Board & Building Permit			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		1.95 acres		
b. Total acreage to be physically disturbed?		0 acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.95 acres		
4. Check all land uses that occur on, are adjoining or near the proposed action:				
5. <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input 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				

		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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	
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?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If No, describe method for providing potable water: <u>existing</u>				
11. Will the proposed action connect to existing wastewater utilities?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If No, describe method for providing wastewater treatment: <u>existing</u>				
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 type="checkbox"/>	<input checked="" 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: _____ <u>Adjoining property has a pond</u>				

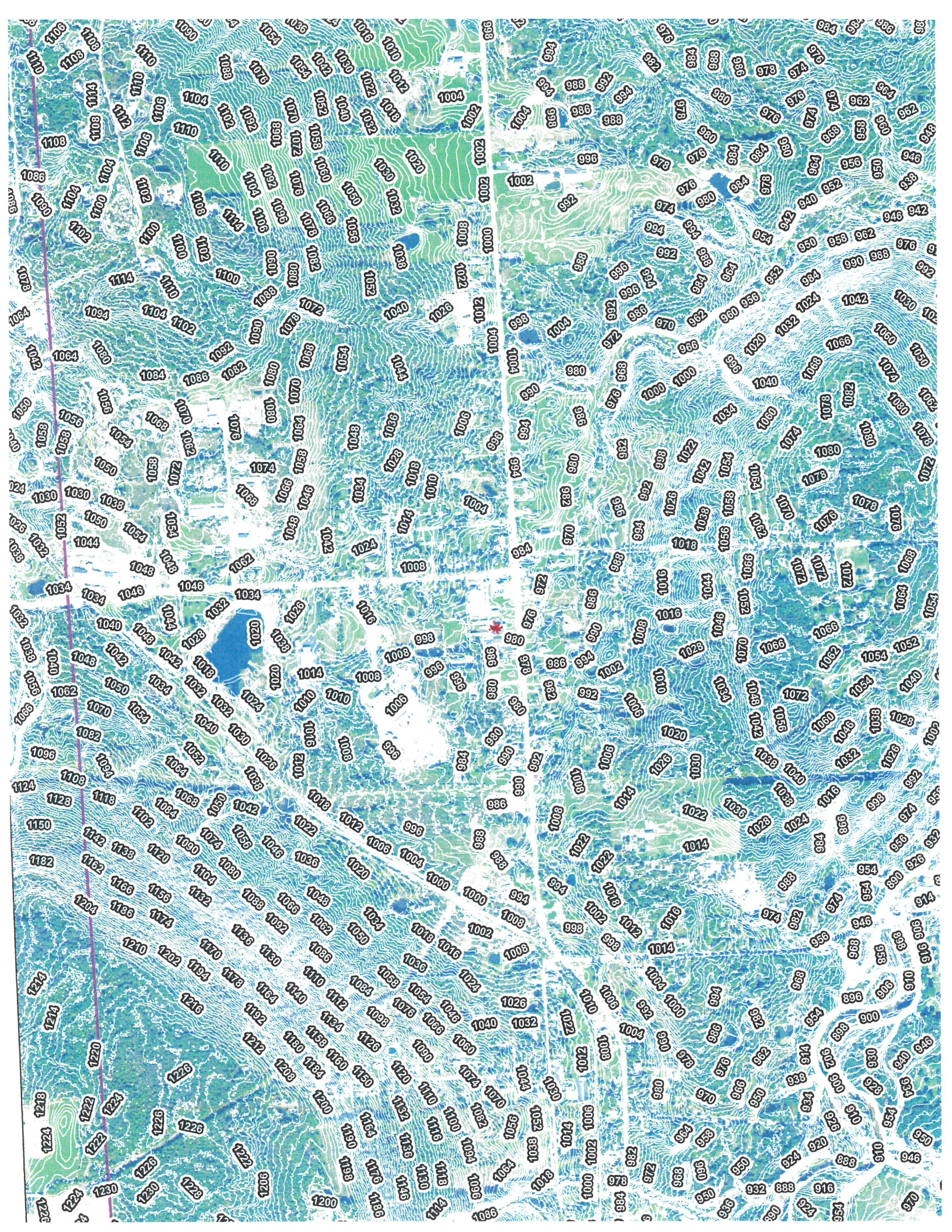
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> 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 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)?	NO	YES
If Yes, explain the purpose and size of the impoundment:	<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?	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"/>
_____		
_____		
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor/name: <u>Randy Gill</u> Date: <u>11-4-2024</u>		
Signature: <u></u> Title: <u>VP</u>		



**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No





# Building Standards and Codes

New York State  
Department of State  
Division of Building  
Standards and Codes

One Commerce Plaza  
99 Washington Avenue, Suite 1160  
Albany, NY 12231-0001  
(518) 474-4073  
Fax: (518) 474-5788  
www.dos.ny.gov

TB-2009-BCNYS

## TECHNICAL BULLETIN

**Code Effective Date:** October 31, 2017<sup>1</sup>

**Source Document:** 19NYCRR 1221—Building Construction  
19NYCRR 1222—Plumbing Systems  
19NYCRR 1226—Property Maintenance<sup>2</sup>

**Topic:** Required Toilet Facilities

This document provides clarification of the requirements for public and employee toilet facilities in buildings regulated by the 2015 International Building Code (2015 IBC).

Section 2902.3 of the 2015 IBC and section 403.3 of the 2015 IPC stipulate that “customers, patrons and visitors shall be provided with public toilet facilities *in structures and tenant spaces intended for public utilization...*” (Emphasis added). The section includes exceptions, according to which, toilet facilities are neither required in parking garages without attendants nor in spaces having a public access area of 300 square feet or less “intended for quick transactions.” However, facilities for employees must be provided “*in all occupancies*,” including facilities for construction workers in accordance with Section 311.1 of the 2015 IPC. Where patron facilities are required, they may be shared with employees.

According to Section 2902.3.1 of the 2015 IBC and Section 403.3.1 of the 2015 IPC, “access to the required facilities shall be from within the building or from the exterior of the building.” Providing access from the building’s exterior is most common in fuel stations, service stations, and other facilities with limited indoor public areas.

According to Section 2902.3.2 of the 2015 IBC and Section 403.3.3 of the 2015 IPC,  
*In occupancies other than covered and open mall buildings, the required public and employee toilet facilities shall be located not more than one story above or below the space required to be provided with toilet facilities, and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m).*

The allowable distance is reduced to 300-feet in malls, but can exceed 500-feet in factories and industrial occupancies, if approved by the authority having jurisdiction.

Section 503.3 of the 2015 IPMC provides an exception for certain uses in legally existing buildings which do not provide a direct indoor route to the toilet facilities “*from within the employee’s work area.*” According to this exception, a toilet facility may be located in an adjacent building, when all the following conditions are met:

1. The facilities serve employees working in storage structures or kiosks.
2. The adjacent building is under the same ownership, lease, or control as the building in which the work area is located.

<sup>1</sup> The “Code Effective Date” for this Technical Bulletin is October 31, 2017, which is the effective date of the current version of the New York State Uniform Fire Prevention and Building Code (the Uniform Code).

<sup>2</sup> The 2015 International Building Code (2015 IBC) is a publication incorporated by reference in 19 NYCRR Part 1221, the 2015 International Plumbing Code (2015 IPC) is a publication incorporated by reference in 19 NYCRR Part 1222, and the 2015 International Property Maintenance Code (2015 IPMC) is a publication incorporated by reference in 19 NYCRR Part 1226.

The 2017 Uniform Code Supplement is a publication incorporated by reference in 19 NYCRR Parts 1219 through 1228. The 2015 IBC, IPC and IPMC, as amended by the 2017 Uniform Code Supplement are all part of the Uniform Code.

3. The vertical and horizontal travel distance between the employee regular work area and the facilities does not exceed 500 feet.
4. Where either the facilities or the work area are required to be accessible, an accessible route to the facilities shall be provided per Sections 1104.2 and 1104.3 of the 2015 IBC.

In summary:

- employee toilet facilities must be provided in all occupancies.
- patron toilet facilities are required in most uses with some exceptions for small spaces intended for quick transactions.
- where required, facilities for the shared use of employees and patrons are permitted.
- access to the facilities can be either "*from within the building or from the exterior of the [same] building.*"
- the location of employee facilities in an adjacent building may be permitted, but only in legally existing buildings meeting the criteria outlined in the numbered list above.

Where these requirements cannot be met, the applicant may submit a [variance application](#) to the appropriate [Regional Office](#) of the Department of State, Division of Building Standards and Codes.

The information contained in this bulletin is not intended as a comprehensive listing of all requirements for toilet facilities. Other provisions of the Uniform Code apply including, but not limited to, minimum number of required fixtures per occupant load.

**John R. Addario, PE, Director**  
**Division of Building Standards and Codes**