

2A

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that a public hearing will be held by the Town Board of the Town of Aurora on the 27th day of January, 2025 at 6:30 p.m. at the Aurora Municipal Center located at 575 Oakwood Avenue, East Aurora, New York, 14052, at which hearing parties and interested citizens shall have an opportunity to be heard on a proposed Local Law to rezone the property at 1686 Davis Road; 1688 Davis Road; and v1 SBL#199.01-3-8.11 Davis Road, West Falls, NY from R1 (residential) to C2 (commercial). All interested parties are entitled to be heard upon the said Local Law at said public hearing. Copies of said proposed Local Law are available for review at the offices of the Town Clerk during normal business hours or on the Town website www.townofaurora.com

By Order of the Town Board of the Town of Aurora
Martha L. Librock
Town Clerk
Town of Aurora

NOTICE OF PUBLIC HEARING

2.B

PLEASE TAKE NOTICE, that a public hearing will be held by the Town Board of the Town of Aurora on the 27th day of January, 2025 at 6:30 p.m. at the Aurora Municipal Center located at 575 Oakwood Avenue, East Aurora, New York, 14052, at which hearing parties and interested citizens shall have an opportunity to be heard on a proposed Local Law to rezone the property at 397 Old Glenwood Road, West Falls, NY from R1 (residential) to C1 (commercial). All interested parties are entitled to be heard upon the said Local Law at said public hearing. Copies of said proposed Local Law are available for review at the offices of the Town Clerk during normal business hours or on the Town website www.townofaurora.com

By Order of the Town Board of the Town of Aurora
Martha L. Librock
Town Clerk
Town of Aurora

Town of Aurora
Warrant Report

Unposted Batch Totals

Fund	Fund Description	Purchase Cards	Total
Unposted Batch Grand Totals		\$0.00	\$0.00

Posted Batch Totals

Fund	Fund Description	Purchase Cards		Total	
		Paid	Unpaid	Paid	Unpaid
A00	GENERAL FUND	\$23,366.24	\$0.00	\$23,366.24	\$0.00
DB0	HIGHWAY PART TOWN FUND	\$937.65	\$0.00	\$937.65	\$0.00
L30	CONSOLIDATED LIGHTING DIST.	\$759.70	\$0.00	\$759.70	\$0.00
L40	CONSOLIDATED LIGHTING DIST.	\$568.49	\$0.00	\$568.49	\$0.00
SG0	GARBAGE & RESOURCE RECOV. DIST	\$68,386.03	\$0.00	\$68,386.03	\$0.00
SR0	RUBBISH COLLECTION DISTRICT #1	\$1,303.75	\$0.00	\$1,303.75	\$0.00
Posted Batch Grand Totals		\$95,321.86	\$0.00	\$95,321.86	\$0.00

Posted Batch Totals

Fund	Fund Description	Purchase Cards		Total	
		Paid	Unpaid	Paid	Unpaid
A00	GENERAL FUND	\$23,366.24	\$0.00	\$23,366.24	\$0.00
DB0	HIGHWAY PART TOWN FUND	\$937.65	\$0.00	\$937.65	\$0.00
L30	CONSOLIDATED LIGHTING DIST.	\$759.70	\$0.00	\$759.70	\$0.00
L40	CONSOLIDATED LIGHTING DIST.	\$568.49	\$0.00	\$568.49	\$0.00
SG0	GARBAGE & RESOURCE RECOV. DIST	\$68,386.03	\$0.00	\$68,386.03	\$0.00
SR0	RUBBISH COLLECTION DISTRICT #1	\$1,303.75	\$0.00	\$1,303.75	\$0.00
Posted Batch Grand Totals		\$95,321.86	\$0.00	\$95,321.86	\$0.00

Handwritten: P. [unclear] # [unclear] 11/19/11

Report Grand Totals

Fund	Fund Description	Purchase Cards		Total	
		Paid	Unpaid	Paid	Unpaid
A00	GENERAL FUND	\$23,366.24	\$0.00	\$23,366.24	\$0.00
DB0	HIGHWAY PART TOWN FUND	\$937.65	\$0.00	\$937.65	\$0.00
L30	CONSOLIDATED LIGHTING DIST.	\$759.70	\$0.00	\$759.70	\$0.00
L40	CONSOLIDATED LIGHTING DIST.	\$568.49	\$0.00	\$568.49	\$0.00
SG0	GARBAGE & RESOURCE RECOV. DIST	\$68,386.03	\$0.00	\$68,386.03	\$0.00

3 B

Town of Aurora
Warrant Report

Unposted Batch Totals

Fund	Fund Description	Manual Checks	Total
	Unposted Batch Grand Totals	\$0.00	\$0.00

Posted Batch Totals

Fund	Fund Description	Manual Checks		Total	
		Paid	Unpaid	Paid	Unpaid
DB0	HIGHWAY PART TOWN FUND	\$534.38	\$0.00	\$534.38	\$0.00
	Posted Batch Grand Totals	\$534.38	\$0.00	\$534.38	\$0.00

Report Grand Totals

Fund	Fund Description	Manual Checks		Total	
		Paid	Unpaid	Paid	Unpaid
DB0	HIGHWAY PART TOWN FUND	\$534.38	\$0.00	\$534.38	\$0.00
	Grand Totals	\$534.38	\$0.00	\$534.38	\$0.00

*1/27/25 J. V. #107
paid*

Town of Aurora
Warrant Report

Unposted Batch Totals

Fund	Fund Description	Invoice Batch	Total
Unposted Batch Grand Totals		\$0.00	\$0.00

Posted Batch Totals

Fund	Fund Description	Invoice Batch		Total	
		Paid	Unpaid	Paid	Unpaid
A00	GENERAL FUND	\$9,166.59	\$0.00	\$9,166.59	\$0.00
B00	PART TOWN FUND	\$101.54	\$0.00	\$101.54	\$0.00
DB0	HIGHWAY PART TOWN FUND	\$2,235.56	\$0.00	\$2,235.56	\$0.00
H70	VILLAGE BRIDGE REPAIRS	\$850.24	\$0.00	\$850.24	\$0.00
L30	CONSOLIDATED LIGHTING DIST.	\$103.81	\$0.00	\$103.81	\$0.00
L40	CONSOLIDATED LIGHTING DIST.	\$67.17	\$0.00	\$67.17	\$0.00
Posted Batch Grand Totals		\$12,524.91	\$0.00	\$12,524.91	\$0.00

Report Grand Totals

Fund	Fund Description	Invoice Batch		Total	
		Paid	Unpaid	Paid	Unpaid
A00	GENERAL FUND	\$9,166.59	\$0.00	\$9,166.59	\$0.00
B00	PART TOWN FUND	\$101.54	\$0.00	\$101.54	\$0.00
DB0	HIGHWAY PART TOWN FUND	\$2,235.56	\$0.00	\$2,235.56	\$0.00
H70	VILLAGE BRIDGE REPAIRS	\$850.24	\$0.00	\$850.24	\$0.00
L30	CONSOLIDATED LIGHTING DIST.	\$103.81	\$0.00	\$103.81	\$0.00
L40	CONSOLIDATED LIGHTING DIST.	\$67.17	\$0.00	\$67.17	\$0.00
Grand Totals		\$12,524.91	\$0.00	\$12,524.91	\$0.00

*1/28/25 20240101-1688
#1673-1688*

Project: 99 Gypsy - short term rental
 Date:

5A-1

**Short Environmental Assessment Form
 Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

RESOLVED that the Town Board of the Town of Aurora declares itself lead agency with regard to SEQR for the Special Use Permit application for a short-term rental at 99 Gypsy Lane; and further

RESOLVED that after considering the action stated herein, reviewing the criteria contained in Section 617.11 of the Rules and Regulations of the State Environmental Quality Review Act, determines that the action is an Unlisted action; and further

RESOLVED that the Town Board of the Town of Aurora has determined that this Unlisted action will result in no significant adverse impacts on the environment, and therefore, an environmental impact statement need not be prepared; and further

RESOLVED that a negative declaration is issued with regard to the Special Use Permit for a short-term rental at 99 Gypsy Lane, East Aurora, NY.

5A-2

RESOLUTION APPROVING SPECIAL USE PERMIT
99 Gypsy Lane

WHEREAS, Todd Stine has applied for a Special Use Permit for a short term rental at 99 Gypsy Lane, East Aurora, NY; and

WHEREAS, Chapter 116 of the Aurora Town Code states that this type of use requires a Special Use Permit from the Town Board; and

WHEREAS, the Town Board of the Town of Aurora referred the Special Use Permit application to the Town of Aurora Planning Board for their review and recommendation; and

WHEREAS, the Planning Board voted unanimously to recommend that the Town Board approve the Special Use Permit; and

WHEREAS, as an unlisted action under SEQRA the Town Board found that the project will not result in any significant adverse environmental impacts.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Chapter 116 – Zoning, Article III of the Code of the Town of Aurora, the Town Board of the Town of Aurora does hereby grant a Special Use Permit, to Todd Stine for a short-term rental, in the accessory dwelling known as The Carriage House at Rushing Waters, at 99 Gypsy Lane, East Aurora, NY.

Project: 603 Jewett Holmwd - short term rental

Date: _____

5B-1

**Short Environmental Assessment Form
Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

RESOLVED that the Town Board of the Town of Aurora declares itself lead agency with regard to SEQR for the Special Use Permit application for a short-term rental at 603 Jewett Holmwood Road; and further

RESOLVED that after considering the action stated herein, reviewing the criteria contained in Section 617.11 of the Rules and Regulations of the State Environmental Quality Review Act, determines that the action is an Unlisted action; and further

RESOLVED that the Town Board of the Town of Aurora has determined that this Unlisted action will result in no significant adverse impacts on the environment, and therefore, an environmental impact statement need not be prepared; and further

RESOLVED that a negative declaration is issued with regard to the Special Use Permit for a short-term rental at 603 Jewett Holmwood Road, East Aurora, NY.

RESOLUTION APPROVING SPECIAL USE PERMIT
603 Jewett Holmwood Road

WHEREAS, Sarah Connaughton has applied for a Special Use Permit for a short term rental at 603 Jewett Holmwood Road, East Aurora, NY; and

WHEREAS, Chapter 116 of the Aurora Town Code states that this type of use requires a Special Use Permit from the Town Board; and

WHEREAS, the Town Board of the Town of Aurora referred the Special Use Permit application to the Town of Aurora Planning Board for their review and recommendation; and

WHEREAS, the Planning Board voted unanimously to recommend that the Town Board approve the Special Use Permit; and

WHEREAS, as an unlisted action under SEQRA the Town Board found that the project will not result in any significant adverse environmental impacts.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Chapter 116 – Zoning, Article III of the Code of the Town of Aurora, the Town Board of the Town of Aurora does hereby grant a Special Use Permit to Sarah Connaughton for a short-term rental, known as Best View Airbnb, in the basement level of the residence at 603 Jewett Holmwood, East Aurora, NY.

Whereas, in 2023 WNY West Falls Inc. submitted a Site Plan Review application consisting of 848 square feet of additions to the existing building and modifications to the parking area at 1045 Davis Road, West Falls, NY; and

Whereas, the Site Plan was approved by the Aurora Town Board on February 13, 2023; and

Whereas, in 2024 WNY West Falls Inc. submitted an amended, downsized, site plan which was reviewed by the Planning Board who recommended approval of the plan; and

Whereas, the Code Enforcement Officer has determined this to be a Type II action for SEQR purposes and therefore needs no further environmental review.

Now, therefore, be it RESOLVED that the amended Site Plan for 1045 Davis Road, consisting of 544 square feet of addition (single story beer cooler) to the building is approved by the Town Board.

SUPERVISOR
CHARLES D. SNYDER
(716) 652-7590
supervisor@townofaurora.com



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N
(716) 652-7590
townclerk@townofaurora.com

TOWN OF AURORA
575 Oakwood Avenue, East Aurora, NY 14052
www.townofaurora.com

MEMO

TO: Aurora Town Board
FROM: Kathleen Moffat
RE: ARPA: Budget Amendment
Close ARPA Bank Account
DATE: 1/27/25

Now that the ARPA funds have been fully expended, I respectfully request to amend the budget for 2024 spending. The amendment is as follows:

- Increase revenue line A 4089 Federal Aid, Other by \$81,964.12
- Increase appropriation line A 7110.454 Park Improvements/ARPA by \$81,964.12

In addition, I respectfully request approval to close the ARPA bank account ending in 3870 since the balance is now zero.

5E

FIRST AMENDMENT TO INTERMUNICIPAL AGREEMENT

THIS FIRST AMENDMENT TO INTERMUNICIPAL AGREEMENT (this "Amendment"), dated as of _____, 2024, is by and between the Village of East Aurora, with offices located at 585 Oakwood Avenue, East Aurora, New York 14052 (the "Village") and the Town of Aurora, with offices located at 575 Oakwood Avenue, East Aurora, New York 14052 (the "Town").

WHEREAS, the parties entered into that certain Intermunicipal Agreement dated 10/24/2022 regarding participation in the CodeRed program (the "IMA") and now wish to amend the financial terms of the IMA.

NOW, THEREFORE, the parties hereby agree as follows:

- 1. **FEES.** Paragraph 4 of the IMA will be deleted and replaced with the following:

"4. The Village agrees to pay fifty percent (50%) of the costs incurred by the Town for the CodeRed service related to services undertaken by the Village or jointly undertaken by the parties. Such payments shall be made on a yearly basis upon submission of a statement by the Town. The Village shall be entitled to equal access and use of the CodeRed services as defined in Exhibit A."

- 2. **RATIFICATION OF THE AGREEMENT.**

This Amendment shall be deemed to form a part of and shall be construed in connection with and as part of the IMA. Except as hereinbefore expressly amended, all of the other terms, covenants and conditions contained in the IMA shall continue to remain unchanged and in full force and effect and are hereby ratified and confirmed. To the extent that any of the terms of the IMA are inconsistent with the terms of this Amendment, this Amendment shall govern and control and the IMA shall be deemed to be amended to conform to the terms of this Amendment.

- 3. **MISCELLANEOUS.**

(a) All capitalized terms otherwise not defined herein shall have the same meaning ascribed to them in the IMA.

(b) No determination by any court, governmental body or otherwise that any provision of this Amendment or any amendment hereof is invalid or unenforceable in any instance shall affect the validity or enforceability of: (i) any other provision thereof; or (ii) such provision in any circumstance not controlled by such determination. Each such provision shall be valid and enforceable to the fullest extent allowed by, and shall be construed whenever possible as being consistent with, applicable law.

(c) This Amendment may be executed in multiple counterparts, each of which shall be deemed an original and all of which shall constitute one agreement. Signatures transmitted by facsimile machine or via e-mail in a "PDF" format may be used in place of original signatures on this Amendment. Each party intends to be bound by such party's facsimile or "PDF" format signature on this Amendment, is aware that the other parties are relying on such party's facsimile

or "PDF" format signature, and hereby waives any defenses to the enforcement of this Amendment based upon the form of signature.

IN WITNESS WHEREOF, the parties have executed this Agreement to be effective as of the date first written above.

TOWN OF AURORA

VILLAGE OF EAST AURORA

By: Charles D Snyder
Charles Snyder
Supervisor
Date: 1/21/2025

By: Peter Mercurio
Peter Mercurio
Mayor
Date:

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



SF-1+2

town

TOWN OF AURORA
Aurora Municipal Center
575 Oakwood Avenue, East Aurora, NY 14052
www.townofaurora.com

To: Aurora Town Board

From: Martha Librock, Town Clerk

Date: January 20, 2025

Re: Azar Design Co. (formerly Foit-Albert) Payment – East Fillmore Bridge
Azar Design Co. (formerly Foit-Albert) Payment – Church Street

Please consider approval of payment no. 16 to Azar Design Co. in the amount of \$544.53 for professional services rendered from November 30 through December 31, 2024 for the East Fillmore Avenue bridge replacement project; and

Please consider approval of payment no. 15 to Azar Design Co. in the amount of \$305.71 for professional services rendered from November 30 through December 31, 2024 for the Church Street bridge replacement project.

Funds will be disbursed from H7 5120.210.



SF-1

**RE: East Fillmore Over Tannery Brook
PIN 5763.88**

Progress Report No. 16: November 30, 2024 through December 31, 2024

Achievements

- Prepare and submit the final PS&E package.

Scheduled Statement

- February bidding is realistic

Budget Statement

- On Budget

Planned For Next Month

- Advertise, Bid, Award

Items Required

- Authorization to advertise

Very truly yours,

Gerard J. Sentz, P.E.
Vice President

**FEDERAL AID PROJECT
SPONSOR CONSULTANT REIMBURSEMENT REQUEST**

FIN 421LL (05/12)

PAYEE ID: (FEDERAL ID)	16-1210859	NYS Comptroller's Contract No.	Est. No. 16
Work Period (this est.) FROM 11/30/24 TO 12/31/24			
Payee Name:	Azar Design Co., Formally Foit-Albert Associates		Current Completion Date
	295 Main Street, Suite 200		MIR Date <u> / / </u>
	Buffalo		(completed by SPONSOR)
	New York		
	14203		
	Original Contract Amount		\$194,783.63
	Current Contract Amount		\$194,783.63
	(includes thru approved S.A. NO.)		
	RRDA NO. (if applicable)		

	Consultant Prepares	Sponsor use only
1. Total work reported on previous estimates	\$170,501.29	
2. Work reported on this estimate	\$544.53	
3. Total work reported to date (must equal page 2)	\$171,045.82	
4. Adjustments (Sponsor use only)		
Reason _____		
5. Retainage thru current estimate	\$0.00	
6. Total work reported less retainage	\$171,045.82	
7. Previous payments	\$170,501.29	
8. Payment requested or processed	\$544.53	

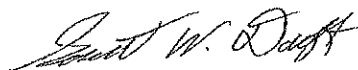
CERTIFICATION BY CONSULTANT

I, Scott W. Dabb, do hereby certify that I am Controller of Foit-Albert Associates, PC, consultant for the work referred to in the foregoing reimbursement request, that I am the person in whose name, the foregoing account against the State of New York is rendered; that the labor, materials, expenses or services charged for were actually delivered, incurred or rendered, as named, heretofore, and that the prices charged are just and reasonable; that the expenses detailed herein were actually incurred; that the services specified were actually rendered as charged; and further, that no percentage or compensation has been paid or promised to be paid to any manager, trustee, officer or employee of said institution, department, board of commission by reason of the claimant having been allowed to sell to, incur expenses for, or render services to, said institution; and also, that to the best of my knowledge and belief, no manager, trustee, officer or employee of said institution, department, board of commission has or has had, any interest directly or indirectly in said article, materials, expenses or services; and that no part of the foregoing account has been paid, and that the above statement is true and correct.

By my signature I further certify that all partial payments due to subconsultants or subcontractors in accordance with Article 5 of the subject consultant agreement have been paid.

January 8, 2025

(DATE)



(SIGNATURE)

CERTIFICATION BY SPONSOR

I, _____, do hereby certify that I am the _____

(Name) (Title)

in the supervision of the work described in the attached consultant's reimbursement request; that the materials, labors and services have been furnished and the work properly performed in accordance with the contract and that payment in the sum of \$ _____ can be made on this contract without detriment of the interests of the sponsor, _____ to the best of my knowledge and belief.

(DATE)

(SIGNATURE)



5F-2

**FORMERLY
FOIT-ALBERT ASSOCIATES**

**RE: Church Street Over Tannery Brook
PIN 5763.87**

Progress Report No. 16: November 30, 2024 through December 31, 2024

Achievements

- Coordinated with Mr. Marusza on property acquisition
- Submitted PS&E.

Scheduled Statement

- A Feb bid opening date is realistic now that the ROW has been finalized.

Budget Statement

- On Budget. ROW is over due to the extra work involved in negotiating the Marusza acquisition.

Planned For Next Month

- Advertise, bid, award.

Items Required

- Final authorization from DOF to advertise

Very truly yours,

Gerard J. Sentz, P.E.
Vice President

**FEDERAL AID PROJECT
SPONSOR CONSULTANT REIMBURSEMENT REQUEST**

FIN 421LL (05/12)

PAYEE ID: (FEDERAL ID)	16-1210859	NYS Comptroller's Contract No.	Est. No. 16
Payee Name:		Work Period (this est.) FROM 11/30/24 TO 12/31/24	
Azar Design Co., Formerly Foit-Albert Assoc 295 Main Street, Suite 200 Buffalo New York 14203		Current Completion Date MIR Date <u> </u> / <u> </u> / <u> </u> (completed by SPONSOR)	
		Original Contract Amount	\$160,698.92
		Current Contract Amount (includes thru approved S.A. NO.)	\$160,698.92
		RRDA NO. (if applicable)	

	Consultant Prepares	Sponsor use only
1. Total work reported on previous estimates	\$182,556.04	
2. Work reported on this estimate	\$305.71	
3. Total work reported to date (must equal page 2)	\$182,861.75	
4. Adjustments (Sponsor use only) Reason _____		
5. Retainage thru current estimate	\$0.00	
6. Total work reported less retainage	\$182,861.75	
7. Previous payments	\$182,556.04	
8. Payment requested or processed	\$305.71	

CERTIFICATION BY CONSULTANT

I, Scott W. Dabb, do hereby certify that I am Controller of Azar Design Co, consultant for the work referred to in the foregoing reimbursement request, that I am the person in whose name, the foregoing account against the State of New York is rendered; that the labor, materials, expenses or services charged for were actually delivered, incurred or rendered, as named, heretofore, and that the prices charged are just and reasonable; that the expenses detailed herein were actually incurred; that the services specified were actually rendered as charged; and further, that no percentage or compensation has been paid or promised to be paid to any manager, trustee, officer or employee of said institution, department, board of commission by reason of the claimant having been allowed to sell to, incur expenses for, or render services to, said institution; and also, that to the best of my knowledge and belief, no manager, trustee, officer or employee of said institution, department, board of commission has or has had, any interest directly or indirectly in said article, materials, expenses or services; and that no part of the foregoing account has been paid, and that the above statement is true and correct.

By my signature I further certify that all partial payments due to subconsultants or subcontractors in accordance with Article 5 of the subject consultant agreement have been paid.

December 3, 2024 0
(DATE)



(SIGNATURE)

CERTIFICATION BY SPONSOR

I, _____, do hereby certify that I am the _____
(Name) (Title)

in the supervision of the work described in the attached consultant's reimbursement request; that the materials, labors and services have been furnished and the work properly performed in accordance with the contract and that payment in the sum of \$ _____ can be made on this contract without detriment of the interests of the sponsor, _____ to the best of my knowledge and belief.

(DATE)

(SIGNATURE)

59

TOWN OF AURORA

575 OAKWOOD AVE, EAST AURORA, NY 14052

BUILDING DEPARTMENT

(716) 652-7591

FAX (716) 652-3507

MEMO

TO: Supervisor Snyder & Town Board Members
FROM: Doug Crow, Chairman, Planning Board
DATE: January 9th, 2025

=====

The following actions were taken at the January 8th, 2025, meeting of the Planning Board

Chairman, Doug Crow, acknowledged six voting members present.

Angela Griffis motioned to recommend to the Town Board, to approve the rezoning of 1342 Quaker Road, SBL # 163.03-1-14.1, owned by JLL Bros LLC and John Lattanzio, member, from RR to C1 vs C2 without deed restrictions. Taking into consideration, the following factors:

1. C-1 is more consistent with the present character of the property, the existing structure, and its use.
2. Recent historical use of the property is more consistent with the C1 zoning.
3. The property has been used for commercial business for decades.
4. It has been recognized by neighbors as a commercial property.
5. It is consistent with some of the verbiage of the non-adopted Comprehensive Plan
6. If the rezoning is approved, the owner/tenant will be required to comply with all C1 regulations, including SUP and Site Plans where applicable.
7. Inconsistent with zoning districts and character of immediate neighborhood but other factors outweigh this issue.

Seconded by Chairman, Doug Crow

Upon a vote being taken:

Ayes-5

Noes-1 Tim Stroth



January 20, 2025

Aurora Town Board
575 Oakwood Avenue
East Aurora, NY 14052

**RE: Amended Petition to Amend the Zoning Map of the Town of Aurora, New York
Real Property: 1342 Quaker Road, Town of Aurora, NY (SBL No. 163.03-1-14.1)
Petitioner / Real Property Owner: JJJ Bros LLC
Rezoning Request: RR Rural Residential to C1 Commercial 1**

Dear Aurora Town Board:

Our firm represents JJJ Bros LLC, the Owner / Petitioner of the above referenced Amended Petition to Amend the Zoning Map of the Town of Aurora, New York.

Enclosed please find the Amended Petition to Amend the Zoning Map of the Town of Aurora, New York. This Rezoning Petition was initially submitted on November 20, 2025 requesting change of zoning from RR Rural Residential to C2 Commercial 2 with deed restrictions. On January 8, 2025, the Town of Aurora Planning Board recommended approval of the Rezoning upon the condition that the Real Property be rezoned to C1 Commercial 1. The Planning Board also felt that the proposed deed restrictions were no longer necessary since their recommendation was to rezone the Real Property to C1 Commercial 1 (the deed restrictions were proposed to address any concerns about certain C2 Commercial 2 uses). Accordingly, the Petition has been amended consistent with the Planning Board's recommendations.

We request that the Town Board schedule the required Public Hearing. Thank you for your consideration of this matter. If you have any questions or require any further information, please contact me.

Sincerely,

HOPKINS SORGI & MCCARTHY PLLC

A handwritten signature in black ink, appearing to read "P. Sorgi", is written over the typed name.

Peter J. Sorgi, Esq.

Enc.

cc: Town Departments
JJJ Bros LLC

HOPKINS SORGI & MCCARTHY PLLC

Attorneys at Law

574 Main Street, Suite 204 • East Aurora, New York 14052
Office: 716-805-7191 • Fax: 716-427-6501 • Mobile: 716-908-3289
psorgi@hsmlegal.com
hsmlegal.com

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. JJL Bros LLC, by John Lattanzio, Member

Name (First) (Middle Initial) (Last)

2. Location of property to be rezoned: 1342 Quaker Road, Town of Aurora, NY; SBL No. 163.03-1-14.1

3. Area, in square feet, of the property to be rezoned: 47,828.88 square feet (1.098 acres)

Dimension of the property to be rezoned: Irregularly Shaped -- See Survey at Exhibit 1

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

Petitioner is Owner

Owner's Name and Address

Owner's Name and Address

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

Owner of Real 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. See attached Exhibit 2

7. Present zoning classification of the property: RR -- Rural Residential

8. Proposed zoning classification of the property: [REDACTED] CI-- Commercial

9. Present use of the property: Restaurant and Storage

10. Proposed use of the property: Restaurant and Storage

11. Description of uses on all adjacent properties and a general description of the type of neighborhood in which the subject property is located: Adjacent Uses: West: Residential;
North: Vacant Land and Residential; East: Animal Clinic / Residential; South: Residential.
Project Site is located on NYS Route 20 A. Neighborhood is mixed of single family residential
on large and smaller lots including a residential subdivision, vacant land and an animal clinic.

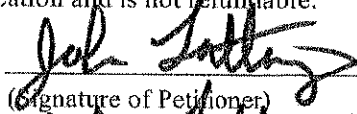
12. Names and Addresses of Owners of Abutting Properties:

1. Christopher W. Frick & Lindsay A. Frick: 1352 Quaker Road, Town of Aurora, NY
2. Arkadiy D. Bilgovskiy: 1320 Quaker Road, Town of Aurora, NY
3. Gerald E. Zajac & Judith M. Zajac: 5 Stewart Court, Town of Aurora, NY
4. David Janca: 1392 Quaker Road, Town of Aurora, NY
5. _____
6. _____
7. _____

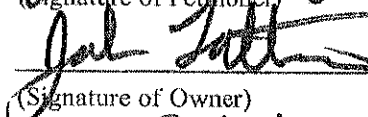
13. Additional information which the petitioner believes will assist the Town Board in its consideration of this request for rezoning: See attached Grounds for Rezoning at Exhibit 3 and
see attached Environmental Assessment Form at Exhibit 4.

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: 11.20.2024



(Signature of Petitioner)



(Signature of Owner)

Amended as of 1.20.2025

STATE OF NEW YORK }
COUNTY OF ERIE } SS:

Peter J. Sorgi, Esq., Attorney for Petitioner

On this 20th day of November, 2024 personally appeared before me

John Lattanzio, Member of JJL Bros LLC

536 Dorrance Avenue, Buffalo, NY 14218

(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)

PETER J. SORGI
Notary Public, State of New York
No. 02806102438
Qualified in Erie County
My Commission Expires 12-08-~~2025~~ 2027

STATE OF NEW YORK)
 ss.:
COUNTY OF ERIE)

On this 20th day of January, 2025, personally appeared Peter J. Sorgi, Esq., with an office address at 574 Main Street, Suite 204, East Aurora, New York 14052, Attorney for Petitioner, to me known to be the same person described in the and who signed and executed the foregoing amended petition and who duly acknowledged to me the execution of the same for the purposes therein mentioned.

Christina Sorgi

NOTARY PUBLIC

CHRISTINA SORGI
NOTARY PUBLIC-STATE OF NEW YORK
No. 01SO0020508
Qualified in Erie County
My Commission Expires 02-01-2028

AUTHORIZATION

JJL Bros LLC, as record owner of Real Property commonly referred to as 1342 Quaker Road, Town of Aurora, NY (SBL No. 163.03-1-14.1) hereby authorizes Hopkins Sorgi & McCarthy PLLC (Project Attorney) to file a Petition to Amend the Zoning Map of the Town of Aurora, NY, and all related documents, including SEQR documentation, for approvals and permits required from governmental agencies regarding the above-referenced Real Property.

Date: November 20, 2024

JJL Bros LLC



John Lattanzio, Member

Exhibit 1

Survey

Exhibit 2

Legal Description

Legal Description

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Aurora, County of Erie and State of New York, being part of Lot Number 64, Township 9, Range 6 of the Holland Land Company's Survey, described as follows:

BEGINNING at the southeast corner of Lot Number 64, which is located in the north line of Big Tree Road a/k/a Quaker Road and Orchard Park-East Aurora Road; thence west along the south line of Lot Number 64 which south line is also the north line of Big Tree Road a/k/a Quaker Road a/k/a Orchard Park-East Aurora Road, a distance of 99 feet to the southeast corner of lands deeded to School District No. 3 of the Town of Aurora, by deed recorded in the Erie County Clerk's Office in Liber 80 of Deeds at page 161; thence north on a line parallel with the east line of said Lot Number 64 and along the east line of said School District property and the continuation northerly thereof, 139.26 feet; thence east in a straight line, 99.5 feet to a point in the east line of said Lot Number 64, which point is 143.22 feet north of the point of beginning as measured along said east line; thence north south and along the east line of said Lot Number 64, a distance of 143.22 feet to the point of beginning.

And

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Aurora, County of Erie and State of New York, being part of Lot Number 56, Township 9, Range 6 of the Holland Land Company's Survey described as follows:

BEGINNING at the southwest corner of said Lot Number 56, which is located at the north line of Big Tree Road a/k/a Quaker Road a/k/a Orchard Park-East Aurora Road; running thence easterly along the southerly line of said Lot Number 56 and north line of Big Tree Road a/k/a Quaker Road a/k/a Orchard Park-East Aurora Road 146 feet; thence northerly at right angles to said southerly line of Lot Number 56 and the north line of Big Tree Road a/k/a Quaker Road a/k/a Orchard Park-East Aurora Road 266 feet; thence westerly parallel with said southerly line of Lot Number 56, 165.36 feet more or less to the westerly line of said Lot Number 56; thence southerly along the westerly line of Lot Number 56, 266.72 feet more or less to the southwesterly corner of Lot Number 56 and the point or place of beginning.

EXCEPTING therefrom that part taken by the State of New York under Notice of Appropriation recorded in the Erie County Clerk's Office on May 31, 1961 in Liber 6650 of Deeds at page 478.

ALSO EXCEPTING that part lying within the bounds of Quaker Road also known as Orchard Park-East Aurora Road and Big Tree Road as now laid out, including the parcel conveyed to the County of Erie by deed recorded in the Erie County Clerk's Office October 10, 1938 in Liber 2819 of Deeds at page 306

Exhibit 3

Grounds for Rezoning



Grounds For Rezoning of 1342 Quaker Road, Town of Aurora, NY

The Legal Criteria for a Rezoning is set forth in New York Town Law § 272-a(11)(a) which states that "All land use regulations must be in accordance with a comprehensive plan adopted pursuant to the section."

The Town of Aurora does not have an adopted Comprehensive Plan. There is a Regional Comprehensive Plan for the Town of Aurora as well as the Village of East Aurora and the Towns of Elma, Holland and Wales. While the Regional Comprehensive Plan was never adopted by the Town of Aurora, it is at times used as a guide, however the Regional Comprehensive Plan offers no guidance on this Rezoning Petition.

The Property has been used for business uses since the 1980s with uses as an automotive sales lot, gas station, pool supply store, convenience store and its current use as a restaurant, as demonstrated by the Town of Aurora Use Property Use History Card attached hereto.

The Property is currently zoned RR – Rural Residential which does not allow for the current use or any of the previous uses, thus the Property's use is nonconforming.

In light of the lack of a Comprehensive Plan, caselaw and public policy should guide the decision to rezone this property:

1. New York Courts have repeatedly held that it is in the public interest to eliminate nonconforming uses in a manner which protects the rights of the owner of the subject property.¹

¹ Buffalo Crushed Stone, Inc. v. Town of Cheektowaga, 13 N.Y.3d 88, 97, 913 N.E.2d 394, 400, 885 N.Y.S.2d 8, 14 (2009): "Courts strive to see that "the public interest in eliminating nonconforming uses at a legally opportunistic time is placed in reasonable balance with the owner's interest in not having a property investment abruptly altered or terminated."

*Grounds For Rezoning of 1342 Quaker Road, Town of Aurora, NY
Amended Petition to Amend the Zoning Map of the Town of Aurora, New York
1342 Quaker Road, Town of Aurora, New York
January 20, 2025*

2. Zoning decisions are local in nature and best made by local officials who “possess the familiarity with local conditions.”²
3. It is a common and accepted zoning tool to rezone nonconforming properties into conformity by changing the zoning of the property to the historical and current use.³
4. The rezoning of one parcel to a zoning classification different that surrounding properties does not constitute spot zoning if there is a rational basis to the rezoning.⁴

Essentially, this rezoning decision comes down to practicality and common sense. Every town has properties that are nonconforming uses. The Town of Aurora is no different. 1342 Quaker Road has historically been a non-residential, business use. If the zoning is not changed to reflect this reality, the future use of this property will be jeopardized and given that the nature of the building itself does not lend itself to being utilized for RR – Rural Residential Uses, a likely result could be a vacant building which clearly is a detriment to not only the property owner, but the surrounding area and entire Town.

Submitted by:

P J S

Peter J. Sorgi, Esq., Project Attorney

Dated: January 20, 2025

² Cowan v. Kern, 41 N.Y.2d 591, 599, 363 N.E.2d 305, 310, 394 N.Y.S.2d 579, 584 boards composed of representatives from the local community. Local officials, generally, possess the familiarity with local conditions necessary to make the often sensitive planning decisions which affect the development of their community. Absent arbitrariness, it is for locally selected and locally responsible officials to determine where the public interest in zoning lies. (*McGowan v Cohalan*, 41 NY2d 434, 438, *supra*.)

³ Matter of Douglaston Civic Assn. v. City of New York, 199 A.D.3d 562, 563, 159 N.Y.S.3d 23, 24, (1st Dept 2021): NY Court upholds rezoning which brought “existing properties with nonconforming lots on the rezoned block into conformity.”

⁴ Matter of Residents for Reasonable Dev. v City of New York, 128 A.D.3d 609, 611, 11 N.Y.S.3d 116, 118 (1st Dept 2015): NY Court upholds rezoning on the basis that “the zoning map amendment does not constitute illegal spot zoning merely because it involves a single parcel only.”

~~WARNKE, J. SANTI, ROBERT~~

1342 Quaker Road

Alter service station & M-61 2/3/84 (Abundant)
for used car lot CASE 315 1/1/82 - 12/6/88

USE PERMIT - RETL GRCY STORE U-21 7/19/91
PER ZON BRD APPROVAL # 540
REPAIR UNDERGRND GASOLINE PIPE U-110 7/15/91
SIGN (ZBA APPROVED 9/19/91) U-112 9/20/91
ACCESS STRUCT(CANOPY & GAS PUMPS) U-145 9/20/91
ZON. BRD APPROVED 9/19/91 # 565

~~SANTI, ROBERT~~ SHASTRI, RAMESH
1342 QUAKER RD

ACCESS BLDG (SHED) 6/24/93
ZBA APPROVED FOR 2 YEARS 6/17/93 W-77
634

SPECIAL PERMIT/EXIST. ACCESS BLDG 95-159 9/22/95
ZBA APPROVED FOR 2 YEARS 9/21/95 # 715

SPECIAL PERMIT/EXIST ACCESS BLDG 97-171 12/10/97
ZBA APPROVED 11/20/97

Special Permit / Pool deck & service, 935 8/21/03
attached sign ZBA case # 03-122 8/22/03
CO-Group M (Merchandise) 04-26 3/3/04

Zeller Ventures
1342 Quaker

demo bldg 08-317 11/25/08
special use ZBA# 1060 5/15/08
COMM bldg 09-106 5/12/09
Sign 09-305 11/4/09
Sign (the Brake Pad) 10-109 5/11/10

Exhibit 4

Environmental Assessment Form

Amended as of 1.20.2025 in accordance with Town of Aurora Planning Board Recommendation - Changes in Red.

**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: Proposed Rezoning of 1342 Quaker Road, Town of Aurora, NY				
Project Location (describe, and attach a location map): 1342 Quaker Road, Town of Aurora, NY				
Brief Description of Proposed Action: Petition for Rezoning of 1342 Quaker Road in Town of Aurora from RR -- Rural Residential to R-2 C1 Commercial . Property currently is nonconforming use which has historically been utilized for business purposes.				
Name of Applicant or Sponsor: JL Bros LLC		Telephone: 716.908.3289 (attn: Peter Sorgl, Esq.) E-Mail: psorgl@hsmlegal.com		
Address: 536 Dorrance Avenue				
City/PO: Buffalo		State: NY	Zip Code: 14218	
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 government 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? _____ 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, are adjoining or near the proposed action:				
5. <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				

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? 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?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<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 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? 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?	NO	YES	
	<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? 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: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input 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 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? Bald Eagle	NO	YES
	<input type="checkbox"/>	<input checked="" 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
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input type="checkbox"/>

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 type="checkbox"/>	<input type="checkbox"/>

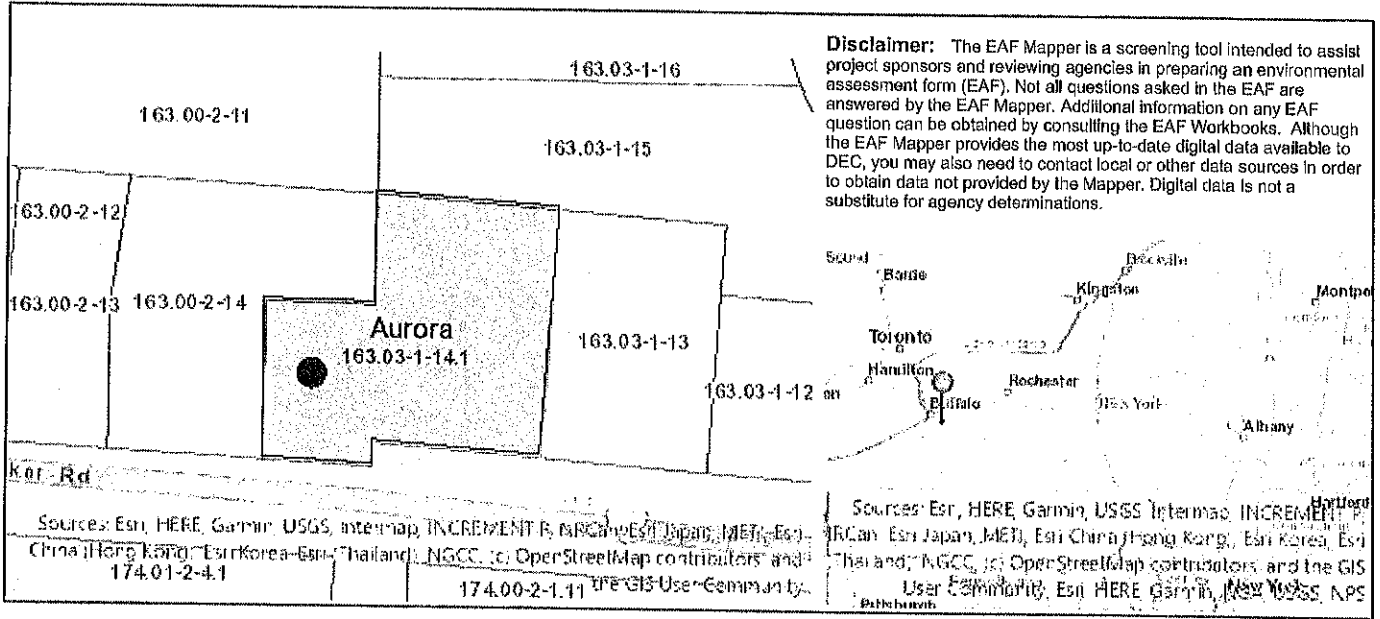
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>

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>JJL Bros LLC</u> Date: <u>11.20.2024</u>		
Signature: <u>P. S.</u> Peter J. Sorgi, Esq. Title: <u>Project Attorney</u>		

P. S. Peter J. Sorgi, Esq. Date Amended: 1.20.2025

PRINT FORM



- 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] Yes
- 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] Yes
- Part 1 / Question 15 [Threatened or Endangered Animal - Name] Bald Eagle
- Part 1 / Question 16 [100 Year Flood Plain] No
- Part 1 / Question 20 [Remediation Site] No

Intent of Proposed Action: Rezoning of 1342 Quaker Road, Town of Aurora, New York from RR – Rural Residential to C1 – Commercial.

Environmental Resources that may be affected: None (no physical changes to Real Property proposed).

**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 - m. 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** 2/24/2025 **Time** 6:30p.m. **Location** 575 Oakwood Ave., E. Aurora, NY 14052

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: 1342 Quaker Road

5a. S.B.L. of Property: 163.01-1-14.1

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: Rezone parcel from rural residential to commercial 1 for a restaurant and storage
(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: _____

Rec'd by County 11/23/2014

Chapter 116. Zoning

Article I. General Provisions

§ 116-8.7. C-1 Commercial.

- A. Purpose. The purpose of the C-1 Commercial District is to provide areas or centers for shopping and service-oriented uses that are easily accessible to the neighborhoods which they serve, which are not intended to draw customers from considerable distances, or which have low-volume traffic and no significant impacts so as to be minimally intrusive upon residential neighborhoods. These districts shall be limited both in size and in proximity to one another.
- B. Building size for commercial purposes.
 - (1) Five thousand square feet maximum.
- C. Uses permitted by right:
 - (1) Packaging/mailing services.
 - (2) Professional and clerical offices.
 - (3) Floral shops, arts and craft stores/studios, bookstores, sewing and knitting supplies, bicycle sales/repairs, newsstand, and tourism-related materials.
 - (4) Barbershop or beauty parlor, printing shop, tailor/dressmaker, shoemaker, shoe repair, optician, decorator, photographer.
 - (5) Any use permitted and as regulated in the R-2 District.
- D. Uses by special use permit of the Town Board:
 - (1) Retail food store/grocery and sales, drugstore/pharmacy, hardware store, and other small local retail shops.
 - (2) Bank or other financial institution, laundromat/dry cleaner pickup station, medical and dental clinics, and other similar personal services.
 - (3) Restaurant, cafe, caterer, and other eating places.
 - (4) Nonprofits for charitable, religious, cultural or community social purposes, not including institutions for mental patients, correctional, or animal rescue purposes. All nonprofit institutions are subject to site plan review regulations of Chapter **95**.
 - (5) Hotel, motel, and short-term rentals.
 - (6) Child day-care center and elder care center as defined and regulated by the State of New York.

- (7) Clubhouses as defined in § 116-4 and community center.
 - (8) Health or fitness center.
 - (9) Dental clinics not involving any overnight occupancy.
 - (10) Funeral home or undertaking facility with no crematorium.
 - (11) Pet shop, provided such shop does not have any outside pens or runs.
 - (12) Brewery, distillery, provided there is no on-site consumption.
 - (13) Other uses not specifically listed as permitted uses, but similar in nature and compatible with C1 uses.
- E. Storage. No storage except in completely enclosed buildings.
- F. Customary accessory uses, including but not limited to parking areas, require a special use permit when they are accessory to a use that requires a special use permit.