



TOWN OF AURORA
OPEN DEVELOPMENT AREA APPLICATION

To Be Completed By Applicant

PETITIONER: Name: Ricardo & Jyl Rivera
Address: 1897 Davis Rd.
West Falls NY 14170
Phone: 716-503-1022 City State Zip
Fax: 716-833-8733
E-Mail: jyl@buffalotreehouse.com

PROPERTY OWNER (if different from petitioner):

Name: Same
Address:
Ph. No.

PROJECT ADDRESS: 1897 Davis Rd. 199.03-1-9.21
No. Street SBL No.

PROJECT DESCRIPTION: USE OF PRIVATE RIGHT-OF-WAY LOCATED AT 1897 DAVIS RD. CONSTRUCTION OF BECK CENTRAL TO BLUEBERRY FIELDS ON PROPERTY.

Signature of Applicant: [Handwritten Signature]

State of New York) :SS:
County of Erie )

On the 25 day of February, in the year 2021, before me, the undersigned, a notary public in and for said state, personally appeared Ricardo Rivera & Jyl Rivera, personally known to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and they by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

[Handwritten Signature]
Notary Public

Lydia Yuhas
01YU6326418
Notary Public, State of New York
Qualified in Erie County
My commission expires JUNE 15, 2023

OFFICE USE ONLY:
File #: Number of Lots 1 Total Acreage Zoning B2
Open Development Area Review Application Fee \$ 100.00
Materials Received by Town Clerk & Fee Paid [Signature] Date 2/25/21
Accepted by Date

TOWN OF AURORA 5 SOUTH GROVE STREET, EAST AURORA, NY 14052
(716) 652-3280 FAX (716)652-3507 www.townofaurora.com

TOWN OF AURORA

SITE PLAN REVIEW APPLICATION

Date submitted: 3/3/2021

Applicant name: RICARDO E JYL RIVERA (THE BLUEBERRY TREEHOUSE FARM)

Applicant address: 1897 DAVIS RD. WEST FALLS, NY 14170

Property owner: RICARDO E JYL RIVERA / BLACKBERRY ENTERPRISE

Owner's address 1895 DAVIS RD. WEST FALLS / 1887 DAVIS RD. WEST FALLS

Property address: 1895 DAVIS RD. WEST FALLS, NY / 1887 DAVIS RD. WEST FALLS, NY

SBL # (s) 199.03 - 1 - 9.21

Prior owner WOODSIDE TREE DOCTOR

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

===== INSTALLATION OF DECK PLATFORM ON 1897 DAVIS RD. =====

Proposed Project: INSTALLATION OF PARKING AREA ON 1887 DAVIS RD.

Commercial  Multi family  Number of dwelling units

Zone: B2 Total property Acreage: .93/5 Acreage covered by bldg

Square footage of building:  Cubic footage of building:

Aggregate square footage of other buildings on property: 1897 DAVIS RD. - 6200 Sq. Ft

1887 DAVIS RD - 5300 Sq. Ft.

FEE SCHEDULE

Up to 5000 cu ft (20 x 25 x 10) - \$50 plus (+) \$100 per acre or fraction of acre.

Up to 10,000 cu ft - \$75 plus (+) \$100 per acre or fraction of acre.

Over 10,000 cu ft - \$75 plus (+) \$5 per 1,000 cu ft over 10,000 cu ft plus (+) \$100 per acre or fraction of acre.

Fee: \$ 1000.00

Receipt: # 046149

Received by Martha Liprock  
Town Clerk/Deputy Clerk

Base fee for cu ft \$ \_\_\_\_\_  
Each 1,000 cu ft over 10,000 \$ \_\_\_\_\_  
Acres \$ \_\_\_\_\_

SEQR action:  Type I (Long EAF)  Type II (Long EAF)  Unlisted (Short EAF)

## SPECIAL USE PERMIT

Pursuant to Chapter 116 Article III of the Zoning Code of the Town of Aurora, a Special Use Permit is hereby granted by the Town Board of the Town of Aurora in accordance with the following:

**APPLICANT:** Ricardo and Jyl Rivera  
The Blueberry Treehouse Farm

**PROPERTY ADDRESS:** 1897 Davis Road, PO West Falls; SBL#199.03-1-9.21

**PROPERTY OWNER:** Ricardo and Jyl Rivera

**CODE:** Chapter 116 – Zoning §116-8.7  
B2 Business; Paragraph B

**USE:** Principal Use: U-Pick Blueberry Farm  
and treehouse design/construction business  
Auxiliary Use: Outdoor Event Center

The Town of Aurora received an application for a Special Use Permit from Applicants on June 2, 2020 . The Town Board referred the Special Use Permit Application to the Planning and Conservation Board on June 8, 2020. On July 1, 2020, the Planning and Conservation Board recommended amendments to the Application after which it recommended to the Town Board to approve the application. On July 27, 2020, the Town Board conducted a public hearing on the Application.

Background. Applicants operate a u-pick blueberry farm and tree house construction business on the Property, which is Zoned Business 2. The Property is also adjacent to the Applicants' primary residence. The Applicants applied for and received a Temporary Retail Permit to sell alcohol at 1897 Davis Road from the New York State Liquor Authority (Permit No. 576543) on July 27, 2020. The temporary permit expires October 24, 2020. In order to increase business, the Applicants wish to hold out-door concerts on Thursdays to attract more berry pickers. In addition, the Applicants wish to sell alcohol to patrons during the months of ~~June-August~~ **OCTOBER** during blueberry picking season. The Applicants also intend to use the Property as a venue for small weddings and private parties and to provide alcohol for these functions.

Additional conditions and safeguards are deemed necessary by the Town Board to implement the purpose and intent of the Special Use Permit. This permit is contingent and subject to the following:

1. CODE REQUIREMENTS: Full compliance with all sections of the Aurora Code as presently codified or as may be amended from time to time.
2. APPLICATION AND PLANNING BOARD: Subject to all plans and specifications submitted with the application, recommendations of the Planning Board and additional conditions and terms as adopted by the Town Board.

3. VIOLATION: Any violation of the provisions of the Permit or any other applicable law, code, rule or regulation of any government or department shall subject this Permit to suspension or revocation in the discretion of the Town Board.
4. AMENDMENT: This Special Use Permit is subject to amendment or modification by the Town Board at any time in its sole discretion.
5. ATTACHMENT: This permit is subject to any and all special conditions attached hereto.

ACKNOWLEDGEMENT: the undersigned as applicant for this Special Use Permit for an outdoor event center at 1897 Davis Road, PO West Falls, Town of Aurora, NY, does hereby acknowledge receipt of a copy of this Permit, agrees, and accepts the provisions herein. The applicant further acknowledges that a violation or breach of any covenants, provisions or conditions of this Special Use Permit will result in suspension or revocation of this Special Use Permit. The undersigned agrees to all terms and provisions of this Special Use Permit as herein stated or as hereafter may be amended.

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
Ricardo Rivera

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
Jyl Rivera

ACKNOWLEDGED AND APPROVED AS TO FORM AND SUBSTANCE

DATES: \_\_\_\_\_

\_\_\_\_\_  
JAMES J. BACH, Supervisor  
Town of Aurora

SPECIAL CONDITIONS FOR  
SPECIAL USE PERMIT GRANTED TO  
RICARDO AND JYL RIVERA  
FOR  
1897 DAVIS ROAD  
PO WEST FALLS, TOWN OF AURORA

1. USE: In addition to a treehouse design and construction business and a U-pick blueberry farm, the current uses on the property, the site will be used for an Outdoor Event Center.

2. SIGN(S): Shall be in accordance with Section 116.34 of the Town Code of the Town of Aurora.

3. PARKING: On-site parking is limited to a total of ~~53~~<sup>95</sup> vehicles on the 1987 Davis Road parcel and the adjacent parcel at 1895 Davis Road, also owned by the applicant, as shown on the attached drawing. If off-site parking is necessary, Applicant shall provide transportation to and from off-site parking. Parking is not permitted on Davis Road. PARKING  
AT 1987  
DAVIS  
RD.

4. ATTENDEES: The maximum number of attendees at any one event is ~~242~~<sup>380</sup> based on the current number of parking spaces ~~(53)~~<sup>95</sup> and the Town Code of 4 occupants per vehicle.

5. EVENTS – Applicant shall not hold more than three events per week. Applicant shall not hold events Mon.-Wed. and shall limit the hours of events as follows:

- Thurs.: 5:00pm – 9:00pm
- Fri.: 10:00am – 10:00pm
- Sat.: 10:00am – 10:00pm
- Sun.: 12:00pm – 7:00pm

Events include, but are not limited to, concerts, weddings, receptions, and private parties.

6. OTHER CONDITIONS:

- Applicant shall not permit more than two food trucks per event.
- Sound application systems are not permitted after 9:00pm.
- There shall be a minimum of two portable toilets. New York State Building and Plumbing code will dictate the number of portable toilets and hand washing/sanitizing stations based on the number of attendees at any particular event.
- Alcoholic beverages are permitted subject to a license from the New York State Liquor Authority. Alcoholic beverages may only be served within the location marked on the attached drawing.
- Alcoholic beverages are permitted only within the area marked on the attached drawing.
- Applicant will ensure adequate lighting for security, safety, and traffic circulation.
- Applicant shall receive approval of a traffic circulation, signage and safety plan from the East Aurora Police Chief and West Falls Fire Chief.
- This permit shall be reviewed annually by the Town Board during the month of May, or before, each year beginning in 2021. Town of Aurora may terminate the Special Use Permit at any time.
- Applicants must be the venue operator and the Property must remain under the Applicants' ownership.
- Applicant shall at all times comply with applicable regulations, including liquor authority requirements, health department codes, and Town of Aurora Codes.
- Overnight accommodations of guests are prohibited.

Adopted August 10, 2020

July 27<sup>th</sup>, 2020

To: The Town of Aurora,

95 ← 1. We have attached a map of our ingress and egress driveway locations as well as widths. We have also attached pictures of our signage to show people which way to enter and which way to leave. Since we have put these up, we have not had any issues with people coming or leaving in the wrong driveway. We have 53 parking spots which include 2 handicap spaces (also shown in map). We have ordered a dumpster and it will be delivered within 1-10 days; it will be located at the specified spot which is located on the map as well.

2. Our maximum number of attendees is 200 → 380

SEE UPDATED NARRATIVE 3. LEASE AGREEMENT 1987 DAYS RD.

3. Our special events will be on Thursday evenings (Blueberry Jams) from the hours of 6:30pm – 8:30pm. We would also like to offer our farm for weddings if possible. We currently have 1 scheduled for 8/29 for approximately 50 people. We see weddings being in the hours of 2pm-9pm but may vary depending on the clients needs. We are thinking of maybe 8 small events for the months of July & August, our busy season. We would have 4 of the regular Thursday Blueberry Jams and then another on possibly Saturdays that would benefit a local business such as an animal rescue, the local fire department, Make A Wish, etc. The events would include, blueberry picking, a local food vendor, our play area, maybe artisan vendors, a local band (usually bluegrass or folk), face painting, etc

SEE UPDATED NARRATIVE RELOCATION OF BAR

4. We have 2 portable bathrooms which are also located on the map and we have attached photos as well. They get serviced once a week.

SEE UPDATED NARRATIVE 5. Just heard back from the Health Department and if we have a food truck they do not need to come out and inspect. If we want to have food there on other days we would get a temp food permit which is only good for 14 days for the year. Other than that we would have to put in a kitchen which is not an option right now.

6. We have an insurance policy with Ontario Insurance which covers events and the selling and consumption of alcohol. I have attached our certificate but can provide the full policy if needed.

Thank you,

Ricardo & Jyl Rivera

## Updated Narrative

February 24, 2021

To: The Town of Aurora,

1. We have attached a map of our ingress and egress driveway locations as well as widths. We have also attached pictures of our signage to show people which way to enter and which way to leave. Since we have put these up, we have not had any issues with people coming or leaving in the wrong driveway. We have 95 parking spots which include 4 handicap spaces (also shown in map). We have a dumpster, and it is located at the specified spot which is located on the map as well.
2. Our maximum number of attendees is 380
3. We have acquired a lease agreement with the owner of 1887 Davis Rd in West Falls to utilize their space for additional parking and egress which is indicated on our site plan.
4. Our special events will be on Thursday evenings (Blueberry Jams) from the hours of 6:30pm – 8:30pm. We would also like to offer our farm for weddings if possible. We see weddings being in the hours of 2pm-9pm but may vary depending on the clients needs. We are thinking of maybe 8 small events for the months of July & August, our busy season. We would have 10 of the regular Thursday Blueberry Jams and then another on possibly Saturdays that would benefit a local business such as an animal rescue, the local fire department, Make A Wish, etc. The events would include, blueberry picking, a local food vendor, our play area, maybe artisan vendors, a local band (usually bluegrass or folk), face painting, etc
5. Relocation of our bar to be more central on the property and located on a new deck platform to be constructed in compliance with local building codes. The proposed deck platform is indicated on the site plan provided. Possible uses for the deck will be, an area for patrons to rest, eat and consume beverages. This deck area also serves as a retreat from the heat in the blueberry field during regular picking hours. Deck platform may also be used for private parties, wedding receptions and small 2-3 piece acoustic live music. Amplified sound will be kept at moderate levels and will not exceed 10pm on any given day.
6. We have 2 portable bathrooms which are also located on the map and we have attached photos as well. They get serviced once a week.
7. NYS Department of Health has permitted a legitimate bar on the premises provided that a Concessionaire Agreement with food truck vendors has been filed with the NYS-SLA. On days in which we are unable to secure a food truck vendor we would acquire a temporary day food permit to comply with state regulations.
8. We have an insurance policy with Ontario Insurance which covers events and the selling and consumption of alcohol. I have attached our certificate but can provide the full policy if needed.

Thank you,

Ricardo & Jyl Rivera

**Open Development Area Application**

**Narrative Description Of The Private Right-Of-Way**

1897 Davis Rd. West falls NY 14170

The existing private right-of-way located at 1897 Davis Rd. is 16' wide by 338' long. It is a compacted gravel base used for public and private traffic. This drive is currently serving as the main ingress for The Blueberry Treehouse Farm. Ownership of the right-of-way belongs to Ricardo G. Rivera. The right-of-way is maintained throughout the year with crushed limestone gravel being added as needed during the summer months and snow plowing during winter months with work performed by the current owner.



**Martha Librock**

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**From:** Elizabeth Cassidy  
**Sent:** Thursday, February 11, 2021 4:12 PM  
**To:** Martha Librock  
**Subject:** FW: Letter needed for review  
**Attachments:** BLUEBERRY TREEHOUSE FARM SITE LAYOUT 2-10-21 (1).pdf

Elizabeth Cassidy  
Town of Aurora  
Asst. Code Enforcement Officer  
Office 716-652-7591  
Cell 716-695-5194

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**From:** Rico Rivera [mailto:[rico@buffalotreehouse.com](mailto:rico@buffalotreehouse.com)]  
**Sent:** Wednesday, February 10, 2021 5:29 PM  
**To:** Elizabeth Cassidy  
**Subject:** Re: Letter needed for review

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To Whom it may concern,

The following are the proposed changes to the Special Use Permit granted to "The Blueberry Treehouse Farm" on 8/20/2020 for The 2021 season.

- Parking lot capacity increase from 53 spaces to 95 spaces with 4 being handicap accessible
- Egress from the parking lot to be accessed through 1887 Davis Road ; Ingress will remain at the current location through 1897 Davis Road.
- Use of the proposed deck area displayed in drawings provided, that will serve as an area for resting/seating/food and beverage, daily and during public/private events

Ricardo and Jyl Rivera will be closing on the acquisition of 1887 Davis Road West Falls, NY on June 15, 2021. The "Seller" Blackberry Enterprises, LLC has agreed in writing to let the "Buyer" Ricardo and Jyl Rivera ( The Blueberry treehouse farm) make the changes necessary to create the proposed parking lot and egress outlet. This letter was submitted directly to the attention of Bill Kramer at the Code Enforcement office on January 27, 2021. We are hopeful to start work as soon as the snow melts, so would greatly appreciate an expeditious response. We have attached an updated plan view indicating the changes requested. Please let us know if there is anything else you need from us. Thank you!

*Best Regards,*

2

**Ricardo G. Rivera**  
Owner/CEO



**Buffalo Treehouse LLC**

(p)716-833-8733 x 4

[www.buffalotreehouse.com](http://www.buffalotreehouse.com)

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**From:** Elizabeth Cassidy <[ecassidy@townofaurora.com](mailto:ecassidy@townofaurora.com)>

**Sent:** Thursday, February 4, 2021 10:13 AM

**To:** Rico Rivera <[rico@buffalotreehouse.com](mailto:rico@buffalotreehouse.com)>

**Subject:** Letter needed for review

Rico,

The Special Use Permit (SUP) for your operations is up for review by May of this year. So the submittal of your site plan/parking lot changes is timely. Please send a letter as soon as you can to our office detailing:

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- The ownership timeline for adjacent multiple family dwelling property at 1887 Davis Rd, currently owned by Blackberry Enterprises, LLC
- The parking lot, ingress/egress changes for adjacent property at 1887 Davis Rd
- Indicate if there will be any screening between the dwelling at 1875 Davis Rd
- The intended use of the new deck near the pavilion (such as times of usage, food there, etc)
- Any changes to the approved SUP conditions – document attached. For one, based on the number of spots available (of which at least 4 need to be designated accessible parking) you would be looking at possible 364 people per event, including staff.

I have spoken with the Town Clerk and she indicated that if the SUP isn't drastically different from the approved, an amendment may be all that is required. Otherwise, a new permit will need to be submitted. For example, if you wanted to double the number of events per week or expand hours of operation, then a new permit would be needed.

Let me know if you have any questions.

Elizabeth Cassidy

Town of Aurora

Asst. Code Enforcement Officer

Office 716-652-7591

Cell 716-695-5194

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# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

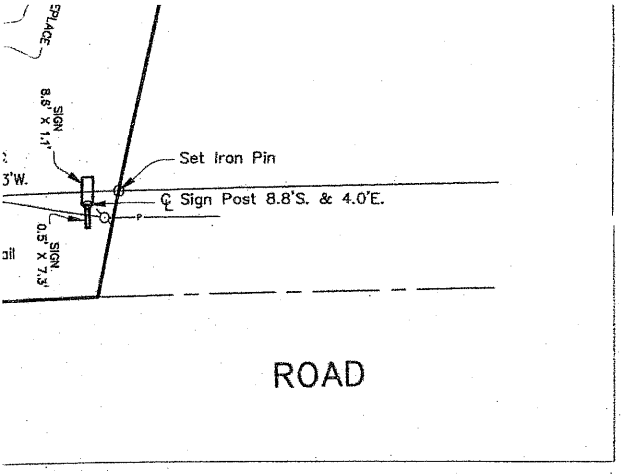
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

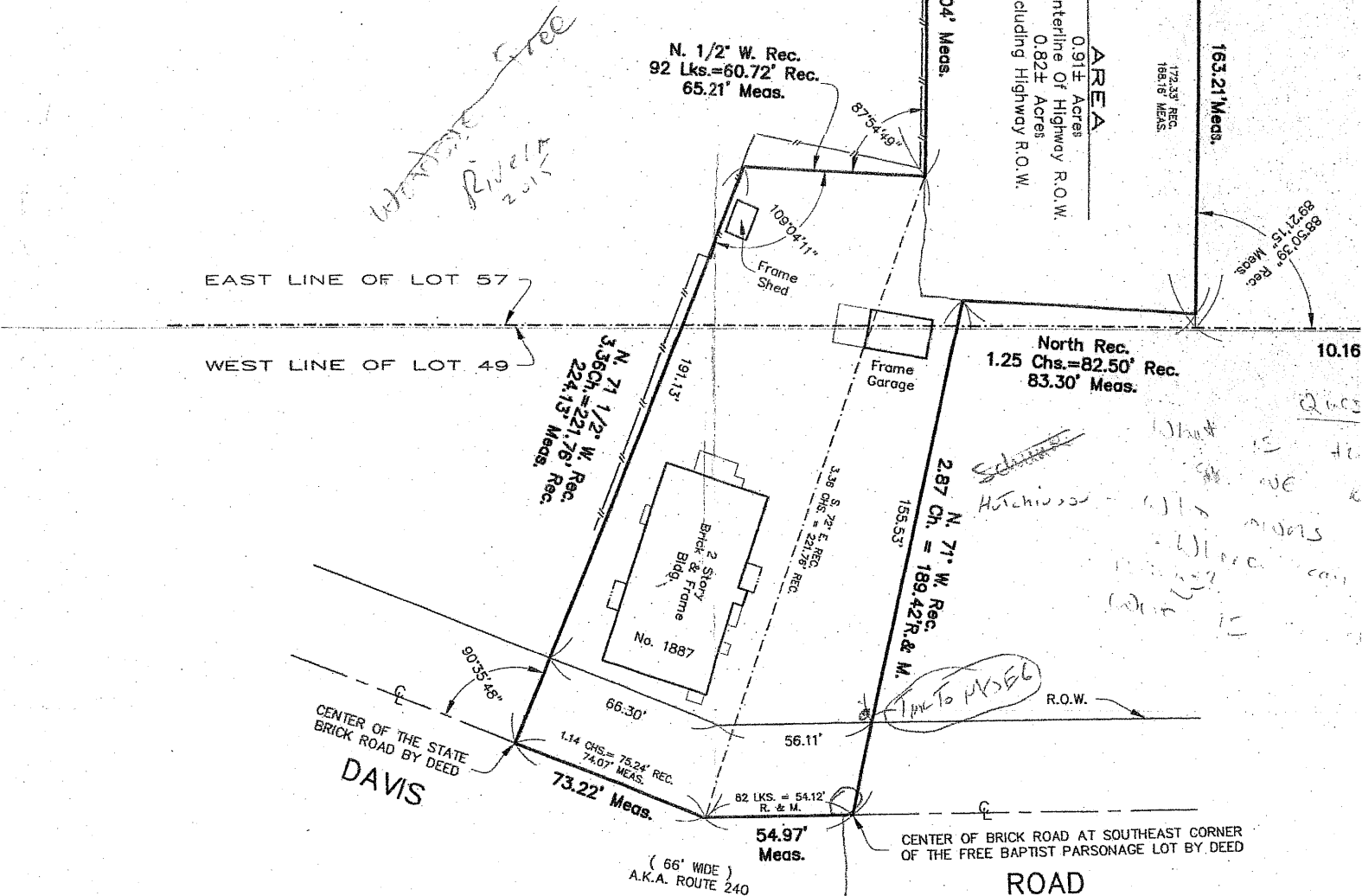
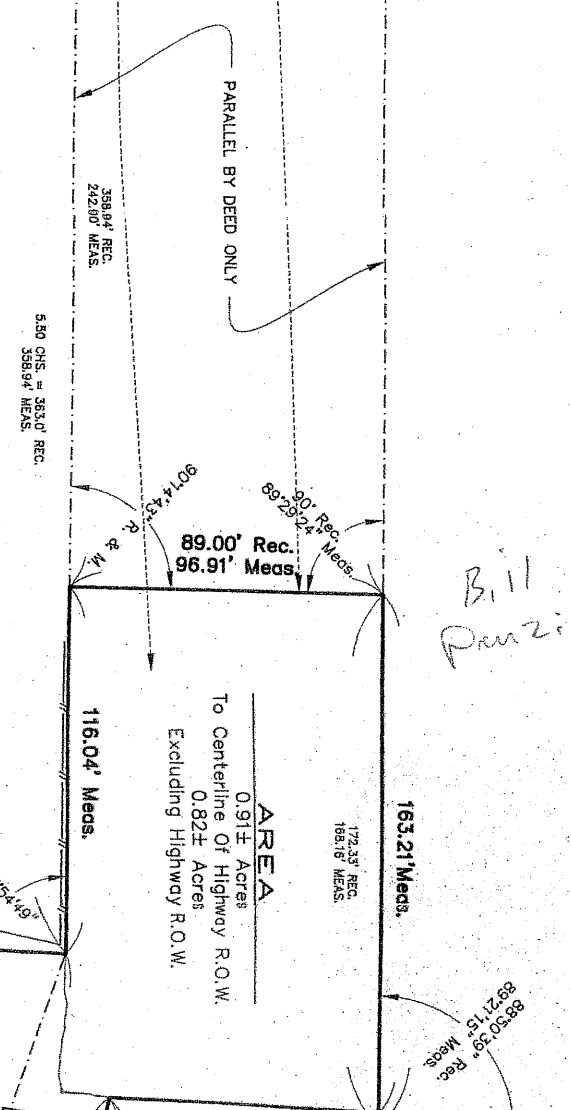
<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: To acquire a beer & wine license			
Project Location (describe, and attach a location map): 1897 Davis Rd West Falls, NY 14170			
Brief Description of Proposed Action: As an existing established u-pick blueberry farm we would like to aquire a beer and wine license so that we can offer beverages during our picking season. We would also like to offer beverages during our after hours picking on Thursdays which helps to get the berries off the bushes for the health of our field. One way to get people here for after hours is to offer live music, drinks and a food truck while picking blueberries on Thursday evenings and also special events throughout the summer and fall season.			
Name of Applicant or Sponsor: Jyl Rivera		Telephone: 716-560-0874 E-Mail: jyl@buffalotreehouse.com	
Address: 1897 Davis Rd			
City/PO: West Falls		State: NY	Zip Code: 14170
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: SLA - Beer & Wine License, Special Use Permit			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 5.4 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? _____ 6.7 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action: <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? b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input checked="" 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" 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 checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ Bottled Water	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ Porta Potties	NO	YES	
	<input checked="" 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"/>	
	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	





*Business*  
*Zone B2*



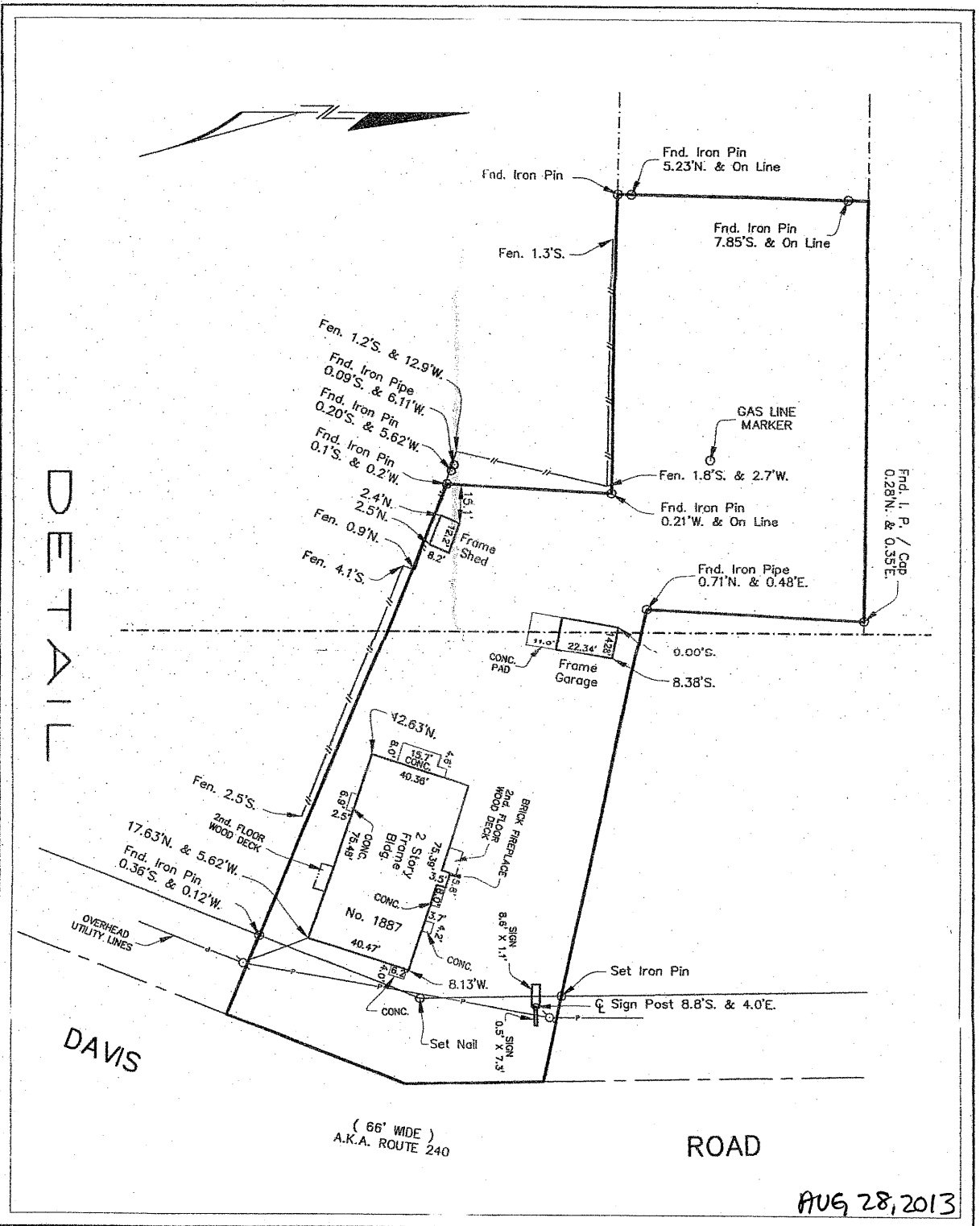
*Zone B2*

1897 DAVIS - SURVEY

AUG 28, 2013

*old light pole w/ electricity*

DETAIL



1897 DAVIS - SURVEY DETAIL

AUG 28, 2013

DEED

FROM: WOODSIDE TREE DOCTOR, LLC, a New York limited liability company with a principal place of business at 4752 Shisler Road, Clarence, New York 14031

TO: RICARDO RIVERA and JYL RIVERA, as husband and wife, both residing at 228 Woodcrest Drive, Amherst, New York 14226

*This Indenture*, made as of the 21<sup>st</sup> day of May, 2015

**Witnesseth**, that WOODSIDE TREE DOCTOR, LLC, a New York limited liability company with a principal place of business at 4752 Shisler Road, Clarence, New York 14031

GRANTOR,

in consideration of One and More 00/100 Dollars (\$1.00 and more) received by GRANTOR hereby grants and releases unto RICARDO RIVERA and JYL RIVERA, as husband and wife, both residing at 228 Woodcrest Drive, Amherst, New York 14226

GRANTEES,

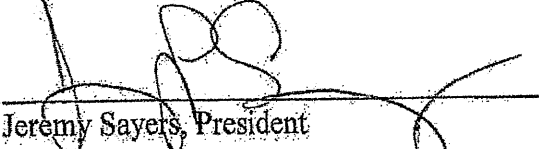
**All that Tract or Parcel of Land** See Schedule A attached hereto and made a part hereof.

**Together** with the appurtenances to and all the estate and rights of GRANTOR in said premises. **To have and to hold** unto the GRANTEES, their distributees and assigns forever.

**And** GRANTOR covenants as follows: **First**, that GRANTEES shall quietly enjoy the said premises. **Second**, that GRANTOR will forever warrant the title to the said premises; and **Third**, subject to the trust fund provisions of section thirteen of the lien law.

**In Witness Whereof**, GRANTOR has hereunto set its hand and seal the day and year first above written.

WOODSIDE TREE DOCTOR, LLC

  
Jeremy Sayers, President

DEED/PROPERTY DESCRIPTION  
FOR 1895 + 1897 DAVIS RD



In presence of

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

On the 24<sup>th</sup> day of May, 2015 before me, the undersigned, personally appeared Jeremy Sayers, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Tara Marie Quinn  
Notary Public - State of New York  
No. 01QU6291174  
Qualified in Erie County  
My Comm. Expires 10/16/20 17

  
Notary Public

## SCHEDULE "A"

PARCEL A 1897 DAVIS

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 Nos. 49 and 57, Township 9, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at the point of intersection of the center line of Davis Road with the northerly line of lands formerly owned by Polly Williams; thence westerly, forming an interior angle of 111 degrees 13' 40" with the westerly line of Davis Road and running along the northerly line of said Williams land, 118.14 feet to a point on the easterly line of Lot 57; thence continuing westerly, forming an interior angle of 89 degrees 48' 24" with the easterly line of Lot 57 and running along the northerly line of lands formerly owned by Byron Churchill, 484.69 feet; thence continuing westerly, forming an interior angle of 171 degrees 04' 18" with the last course and continuing along the north line of Churchill's land, 443.64 feet; thence continuing westerly, forming an interior angle of 178 degrees 41' 17", 60.44 feet to the easterly line of lands now or formerly owned by Baltimore and Ohio Railroad; thence continuing westerly in a straight line 68.85 feet to the westerly line of said railroad lands; thence continuing westerly, forming an interior angle of 180 degrees 25' 39", 62.65 feet; thence northerly, forming an interior angle of 86 degrees 34' 38", 231.86 feet to the southwest corner of lands conveyed to Cyrus Brown; thence easterly, forming an interior angle of 101 degrees 42' 02", 137.01 feet to the west line of lands now or formerly owned by Baltimore and Ohio Railroad; thence continuing easterly in a straight line, 70.94 feet to the east line of said railroad lands; thence continuing easterly, forming an interior angle of 116 degrees 54' 30" with the east line of said railroad lands, 680.41 feet; thence southerly, at right angles with the last mentioned line, 89.00 feet; thence westerly, forming an interior angle of 90 degrees 14' 43", 37.96 feet; thence southerly, at right angles with the last mentioned line, 207.42 feet; thence easterly, forming an exterior angle of 89 degrees 20' 58", 215.15 feet to a point in the easterly line of Lot No. 57; thence continuing easterly, forming an exterior angle of 179 degrees 58' 56", 124.01 feet to the center line of Davis Road, said course also forms an angle of 111 degrees 13' 40" with the westerly line of Davis Road (in the northwest quadrant); thence southerly, along the center line of Davis Road, 16.09 feet to the point or place of beginning.

EXCEPTING the lands within the bounds of said railroad.

PARCEL B 1895 DAVIS

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 Nos. 49 and 57, Township 9, Range 6 of the Holland Land Company's Survey, being further bounded and described as follows:

BEGINNING at a point in the east line of Lot No. 57, distant 968.64 feet south of the northeast corner of said lot as measured along the east line of Lot No. 57; thence westerly at an angle in the southwest quadrant of 90 degrees 11' 36", 215.15 feet; thence northerly, forming an interior angle of 89 degrees 20' 58", 207.42 feet; thence easterly, at right angles with the last course, 154.00 feet to a point on the westerly line of lands conveyed to Floyd A. Luther by deed recorded in Liber 1352 of Deeds at page 81; running thence southerly and forming an interior angle of 87 degrees 54' 44" with the last course, 65.21 feet; running thence easterly, forming an exterior angle of 109 degrees 04' 11" with the last course and running along the southerly line of said Luther's land, 224.13 feet to a point in the center line of Davis Road (Route 240), said course also forms an interior angle of 90 degrees 35' 48" with the westerly line of said Davis Road; running thence southerly, along the center line of Davis Road, 61.39 feet; thence westerly, forming an interior angle of 111 degrees 13' 40" with the westerly line of Davis Road, 123.96 feet to the point and place of beginning.

## Elizabeth Cassidy

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**From:** William Kramer  
**Sent:** Wednesday, January 27, 2021 12:25 PM  
**To:** Elizabeth Cassidy  
**Subject:** FW: 1887 David Rd

William R. Kramer  
Town of Aurora  
Code Enforcement Officer  
716-652-7591 Off.  
716-432-5537 Cell

-----Original Message-----

**From:** john mckenna  
**Sent:** Wednesday, January 27, 2021 12:05 PM  
**To:** William Kramer  
**Cc:** Jyl Rivera; Rico Rivera  
**Subject:** 1887 David Rd

Hi Bill,

I am the owner of Blackberry Enterprises, LLC and Have a contract for sale of 1887 Davis Road to Jyl and Rico Rivera, with closing anticipated, June 2021. They have my complete support relating to expansion of parking from next door and usage of 1887 Driveway for access. I appreciate the Town's input to insure a safe and sound project.

If I can help in any way, please do not hesitate to call me at \_\_\_\_\_ or by return email.

Regards,  
John

Sent from my iPhone

## Lease Agreement

This Lease Agreement ("Lease") is made and effective March 1, 2021, by and between BLACKBERRY ENTERPRISES LLC ("Landlord") and RICARDO and JYL RIVERA ("Tenant").

Landlord is the owner of certain land and improvements commonly known and numbered as 1887 Davis Road, Aurora, New York 14170. This Agreement specifically involves the driveway for the premises as well as vacant land behind the improvements on the property (the "Leased Premises").

Landlord desires to lease the Leased Premises to Tenant, and Tenant desires to lease the Leased Premises from Landlord for the term, at the rental and upon the covenants, conditions and provisions herein set forth.

**THEREFORE**, in consideration of the mutual promises herein contained and other good and valuable consideration, it is agreed:

1. Term. Landlord hereby leases the Leased Premises to Tenant, and Tenant hereby leases the same from Landlord, for an "Initial Term" beginning March 1, 2021, and ending September 30, 2021. On March 1, 2021, Tenant shall have possession of the Leased Premises.

2. Rent. Tenant shall pay to Landlord a monthly rent during the initial term of the lease in the amount of \$100.00 per month.

3. Use. Tenant shall use the driveway for egress and ingress to the vacant land at the rear of the property, where Tenant will use such vacant land for short term parking only. Tenant shall not use the Leased Premises for the purposes of storing, manufacturing or selling any explosives, flammables, or other inherently dangerous substance, chemical, thing, or device.

4. Sublease and Assignment. Tenant shall not sublease all or any part of the Leased Premises, or assign this Lease in whole or in part, without Landlord's written consent.

5. Insurance. Tenant and Landlord shall, each at their own expense, maintain a policy or policies of comprehensive general liability insurance, with the premiums thereon full paid on or before due date, issued by and binding upon an insurance company approved by Landlord, such insurance to afford minimum protection of not less than \$750,000 combined single limit coverage of bodily injury, property damage or combination thereof. Landlord shall be listed as an additional insured on Tenants' policy or policies of comprehensive general liability insurance, and Tenants shall provide Landlord with current Certificates of Insurance evidencing Tenants' compliance with this Paragraph, Landlord shall not be required to maintain insurance against thefts within the Leased Premises or the Building.

6. Entry. Landlord shall have the right to enter upon the Leased Premises at reasonable hours to inspect the same, provided Landlord shall not thereby unreasonably interfere with Tenant's business on the Leased Premises.

7. Leased Premises Rules. Tenant will comply with any rules of the Leased Premises adopted and altered by Landlord from time to time, and will cause all of its agents, employees, invitees and visitors to do so; all changes to such rules will be sent by Landlord to Tenant in writing.

8. QUIET ENJOYMENT. Tenants, upon payment of all of the sums referred to herein as being payable by Tenants and Tenants' performance of all Tenants' agreements contained herein and Tenants' observance of all rules and regulations, shall and may peacefully and quietly have, hold and enjoy said Premises for the term hereof.

9. INDEMNIFICATION. Landlord shall not be liable for any damage or injury of or to the Tenants, Tenants' family, guests, invitees, agents or employees, or to any person entering the

Premises or the building adjacent to the Leased Premises and Tenants hereby agree to indemnify, defend and hold Landlord harmless from any and all claims or assertions of every kind and nature.

10. GOVERNING LAW. This Agreement shall be governed, construed and interpreted by, through and under the Laws of the State of New York.

11. SEVERABILITY. If any provision of this Agreement or the application thereof shall, for any reason and to any extent, be invalid or unenforceable, neither the remainder of this Agreement nor the application of the provision to other persons, entities or circumstances shall be affected thereby, but instead shall be enforced to the maximum extent permitted by law.

12. BINDING EFFECT. The covenants, obligations and conditions herein contained shall be binding on and inure to the benefit of the heirs, legal representatives, and assigns of the parties hereto.

13. DESCRIPTIVE HEADINGS. The descriptive headings used herein are for convenience of reference only and they are not intended to have any effect whatsoever in determining the rights or obligations of the Landlord or Tenants.

14. NON-WAIVER. No indulgence, waiver, election or non-election by Landlord under this Agreement shall affect Tenants' duties and liabilities hereunder.

15. MODIFICATION. The parties hereby agree that this documents contains the entire agreement between the parties and this Agreement shall not be modified, changed, altered or amended in any way except through a written amendment signed by all of the parties hereto.

16. NOTICE. Any notice required or permitted under this Lease or under state law shall be deemed sufficiently given or served if sent by United States certified mail, return receipt requested, addressed as follows:

**If to Landlord to:**

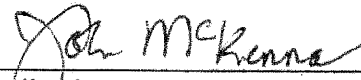
Blackberry Enterprises LLC  
1980 Lapham Road  
East Aurora, New York 14052

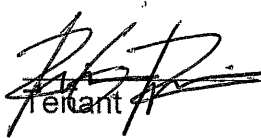
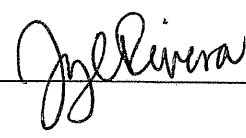
**If to Tenants to:**

Ricardo Rivera and Jyl Rivera  
1895 Davis Road  
West Falls, New York 14170

IN WITNESS WHEREOF, the parties have executed this Lease on

February 25, 2021.

  
\_\_\_\_\_  
Landlord - Blackberry Enterprises, LLC

   
\_\_\_\_\_  
Tenant

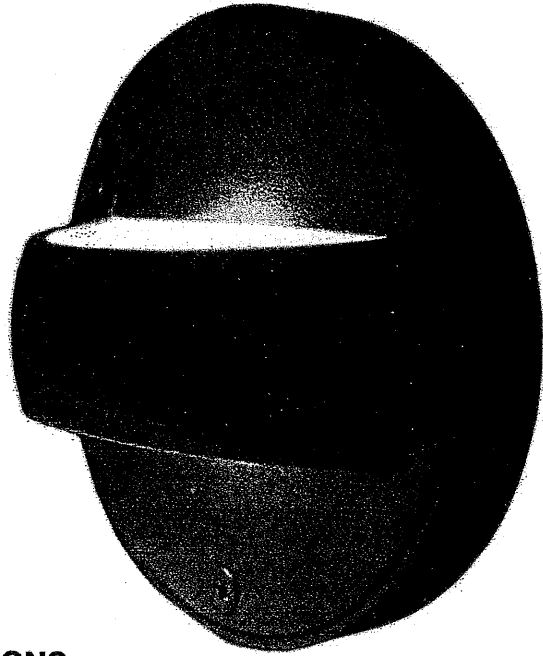


# AQLIGHTING

## 12V / 120V 4" Cast Brass Up Down Bi-Directional Deck Light - DDL4

### DESCRIPTION

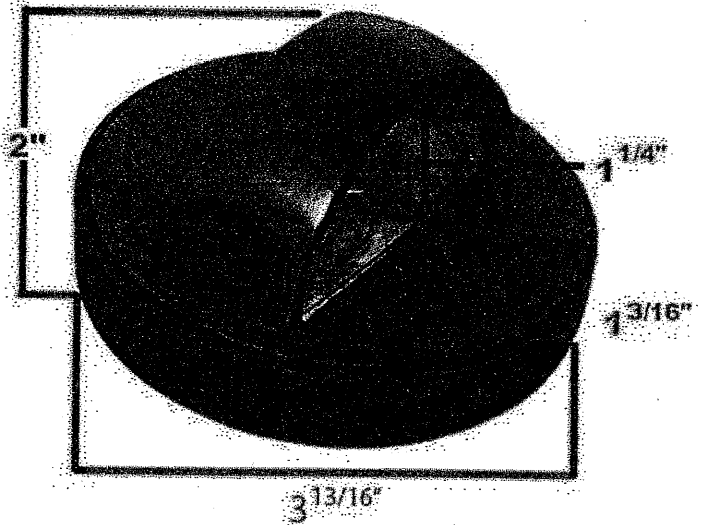
Material: Cast Brass  
 Voltage: 12V / 120V  
 Socket Type: UL Certified JC Bi-Pin (E230758)  
 Bulb Type: JC Bi-Pin Cluster  
 Power Rating: 35w Max  
 Mounting: Surface  
 Fixture Weight: 1.65 lbs.



### INCLUDED

1 X DDL4 Fixture  
 1 X High Heat Braided Heavy Duty Cable

### DIMENSIONS



### ORDERING INFORMATION

DDL4	VOLTAGE	FINISH	COLOR TEMP	BULB
	12V	BLK BLACK	WW WARM WHITE	COB CHIPS ON BOARD
	120V	BRS RAW BRASS	CW COOL WHITE	CL CLUSTER
		BN BRUSHED NICKEL		
		WH WHITE		

DDL4- \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Fixture Type: \_\_\_\_\_

Job Name: \_\_\_\_\_

Notes: \_\_\_\_\_

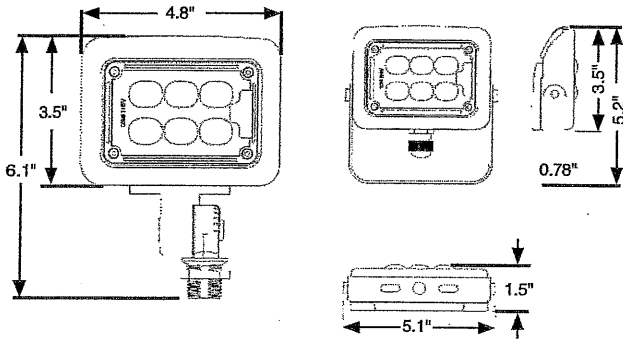


# ProLED® Select Flood Series

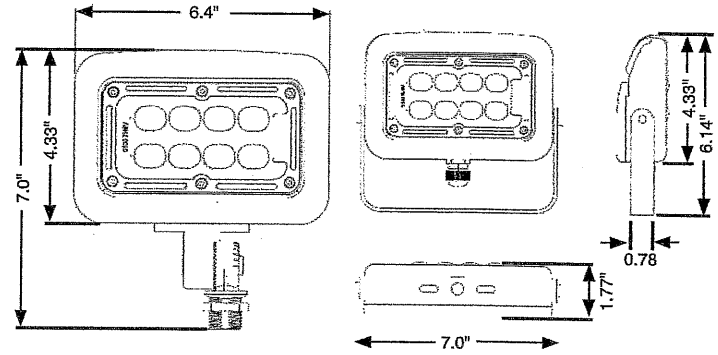
## Field Selectable Color Temperature

### Dimensions

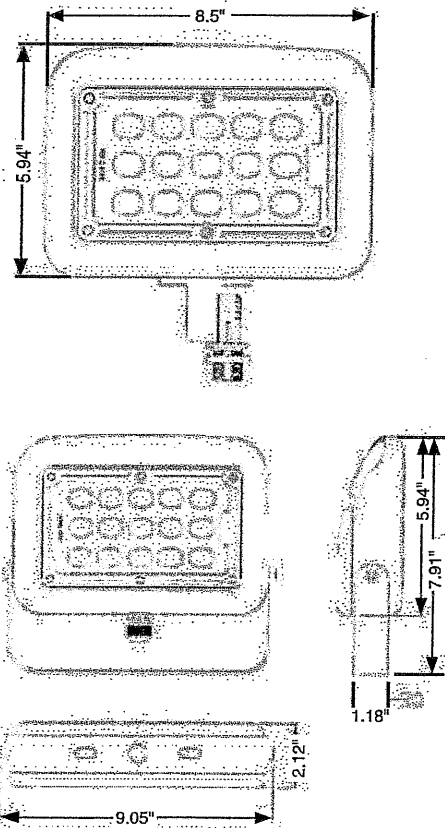
#### 12W Model Dimensions



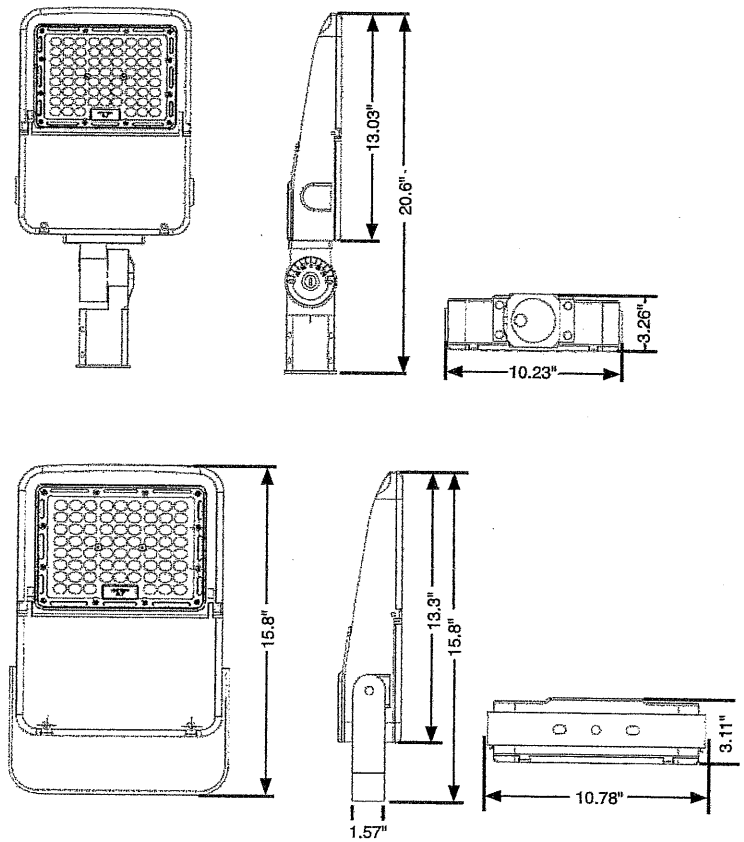
#### 30W Model Dimensions



#### 50W Model Dimensions



#### 70W, 100W & 150W Model Dimensions

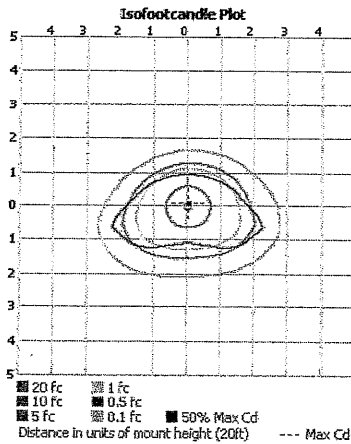
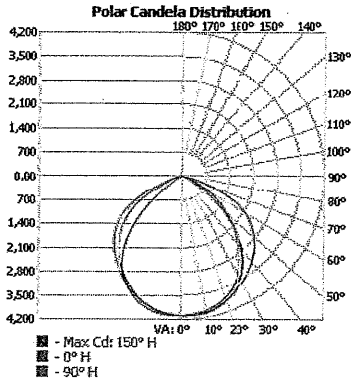


# ProLED® Select Flood Series

## Field Selectable Color Temperature

### Dimensions

70W



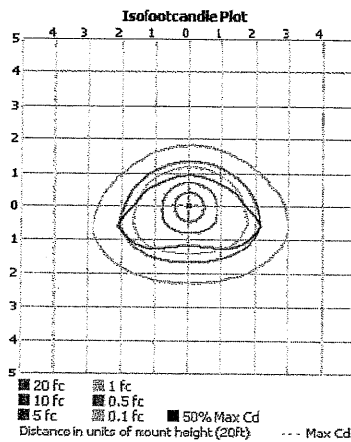
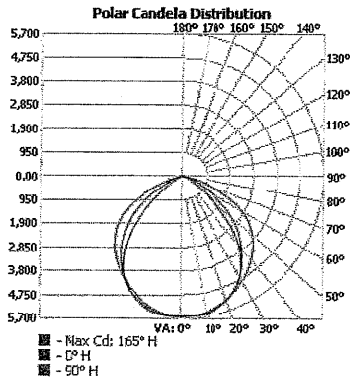
**ZONAL LUMEN SUMMARY**

ZONE	LUMENS	% LAMP	% LUMINAIRE
0-30	3,181.0	32.1%	32.1%
0-40	5,180.2	52.3%	52.3%
0-60	8,741.9	88.2%	88.2%
60-90	1,164.9	11.8%	11.8%
0-90	9,906.7	100%	100%

**LUMENS PER ZONE**

ZONE	LUMENS	% TOTAL
0-10	386.9	3.9%
10-20	1,111.7	11.2%
20-30	1,682.3	17.0%
30-40	1,999.2	20.2%
40-50	1,991.7	20.1%
50-60	1,570.0	15.8%
60-70	833.0	8.4%
70-80	254.7	2.6%
80-90	77.1	0.8%

100W



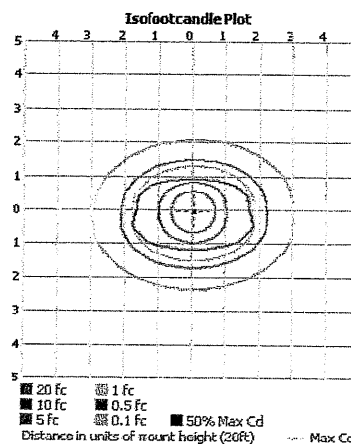
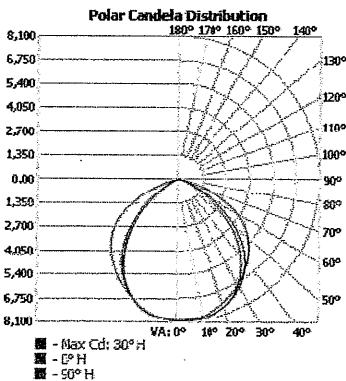
**ZONAL LUMEN SUMMARY**

ZONE	LUMENS	% LAMP	% LUMINAIRE
0-30	4,373.8	31.6%	31.6%
0-40	7,132.0	51.6%	51.6%
0-60	12,046.8	87.2%	87.2%
60-90	1,665.4	12%	12.1%
70-100	534.5	3.9%	3.9%
90-120	105.9	0.8%	0.8%
0-90	13,712.1	99.2%	99.2%
90-180	107.9	0.8%	0.8%
0-180	13,820.1	100%	100%

**LUMENS PER ZONE**

ZONE	LUMENS	% TOTAL	ZONE	LUMENS	% TOTAL
0-10	531.9	3.8%	90-100	31.6	0.2%
10-20	1,527.9	11.1%	100-110	35.1	0.3%
20-30	2,314.1	16.7%	110-120	39.2	0.3%
30-40	2,758.1	20.0%	120-130	2.0	0%
40-50	2,746.7	19.9%	130-140	0.000	0%
50-60	2,168.1	15.7%	140-150	0.000	0%
60-70	1,162.5	8.4%	150-160	0.000	0%
70-80	388.5	2.8%	160-170	0.000	0%
80-90	114.3	0.8%	170-180	0.000	0%

150W



**ZONAL LUMEN SUMMARY**

ZONE	LUMENS	% LAMP	% LUMINAIRE
0-30	6,221.6	31.9%	31.9%
0-40	10,139.9	52%	52%
0-60	17,106.3	87.7%	87.7%
60-90	2,240.3	11.5%	11.5%
70-100	710.1	3.6%	3.6%
90-120	148.5	0.8%	0.8%
0-90	19,346.6	99.2%	99.2%
90-180	151.4	0.8%	0.8%
0-180	19,498.0	100%	100%

**LUMENS PER ZONE**

ZONE	LUMENS	% TOTAL	ZONE	LUMENS	% TOTAL
0-10	758.2	3.9%	90-100	43.9	0.2%
10-20	2,174.9	11.2%	100-110	49.3	0.3%
20-30	3,288.5	16.9%	110-120	55.3	0.3%
30-40	3,918.2	20.1%	120-130	2.9	0%
40-50	3,908.9	20.0%	130-140	0.000	0%
50-60	3,057.6	15.7%	140-150	0.000	0%
60-70	1,574.1	8.1%	150-160	0.000	0%
70-80	518.4	2.7%	160-170	0.000	0%
80-90	147.8	0.8%	170-180	0.000	0%