

COUNTY OF ERIE

ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING
DIVISION OF PLANNING AND COMMUNITY DEVELOPMENT

DANIEL R. CASTLE, AICP, COMMISSIONER

THOMAS E. BAINES, ESQ., DEPUTY COMMISSIONER

May 8, 2023

Martha Librock
575 Oakwood Avenue
East Aurora, NY 14052

Re: Site Plan Review
Location: 1853 Davis Road
Review No.: SP-23-234

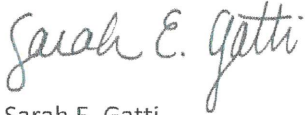
Dear Ms. Librock:

Pursuant to New York General Municipal Law Section 239-m, the County of Erie (the "County") has reviewed the above-referenced project (the "Project") referred to the Department of Environment and Planning (DEP) by the Town of Aurora (the "Town") on April 18, 2023, and offers the following comments:

- The Project is located within the Rural Area as defined in the *Erie-Niagara Framework for Regional Growth*. Actions in the Rural Area should, "encourage limited development and reinvestment in rural centers and discourage the conversion of rural and agricultural lands."
- A federally regulated wetland is located on the property. Development within these features may reduce water quality and cause flooding onsite and/or downstream, especially when added impervious surfaces are constructed. The Town and developer should closely analyze the impact of the Project and consider alternatives to minimize them, including the incorporation of riparian buffers into site design to reduce stormwater runoff and improve water quality through filtration. Best management practices should be used during construction.
- Pursuant to the *Zoning Ordinance of the Town of Aurora*, the intent of site plan review is to evaluate projects' "compatibility with surrounding land uses." The Town should consider whether Project components, such as a proposed outdoor stage/amphitheater, would be in harmony with the adjacent R1, R2 and RR Zoning Districts.
- The Town and developer should consider incorporating electric vehicle charging stations into the site plan to accommodate visitors with electric vehicles. For more information, please visit: <https://www.nyserda.ny.gov/All-Programs/ChargeNY/Charge-Electric/Charging-Station-Programs>.
- The Town and developer should ensure that bicycle infrastructure (i.e., bike racks/storage, bike lanes) is provided to help promote alternative modes of transportation and accessibility.
- The Erie County Department of Public Works will transit comments, if any, separately.

This review pertains to the above-referenced Action submitted to the Erie County Department of Environment and Planning. This letter should not be considered sufficient for any County approvals. The Town and developer must still obtain any other permits and regulatory approvals applicable to this Action. Any additional actions related to this Project (i.e., variances, site plan amendments, actions related to future phases) must still be referred to the County for review.

Sincerely,

A handwritten signature in cursive script that reads "Sarah E. Gatti". The signature is written in black ink and is positioned above the printed name and title.

Sarah E. Gatti
Principal Planner

**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. SP-23-234

Postmark/Delivery Date: 4/18/23

The proposed action described herein is referred in accordance with the provisions of NYS General Municipal Law §239 1 - nn. 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 5/8/2023 Time 7:00pm Location 575 Oakwood Ave., E. Aurora

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: 1853 Davis Road (Rte 240) PO West Falls

5a. S.B.L. of Property: 199.03-1-6.1; 6.2;6.3;6.7

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: Phase 1 of multi-phased development of West Falls Center for Arts that includes new parking lots, building demolition, landscaping, screening.
(specify the action, such as the scope of variances or site plans)

8. Other remarks: Future phases include outdoor stage/amphitheater; refreshment stand; nature trails; sculpture park; & AirB&B units

9. Submitted by: Martha Libroek, Town Clerk Email: townclerk@townofaurora.com

10. Return Address: 575 Oakwood Ave., East Aurora, NY 14052

Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on 4/19/23. 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: Sarah E. Gatti Date: 5/8/23





Enter Classification code: (Example: **L1UB1Hx**)

Optional: For geographically specific information*, please enter a State code: (Example: **TX** for Texas)

[CLICK HERE TO DECODE](#)

Description for code PUBHx:

P System **PALUSTRINE**: The Palustrine System includes all nontidal wetlands dominated by trees, shrubs, persistent emergents, emergent mosses or lichens, and all such wetlands that occur in tidal areas where salinity due to ocean-derived salts is below 0.5 ppt. It also includes wetlands lacking such vegetation, but with all of the following four characteristics: (1) area less than 8 ha (20 acres); (2) active wave-formed or bedrock shoreline features lacking; (3) water depth in the deepest part of basin less than 2.5 m (8.2 ft) at low water; and (4) salinity due to ocean-derived salts less than 0.5 ppt.

UB Class **UNCONSOLIDATED BOTTOM**: Includes all wetlands and deepwater habitats with at least 25% cover of particles smaller than stones (less than 6-7 cm), and a vegetative cover less than 30%.

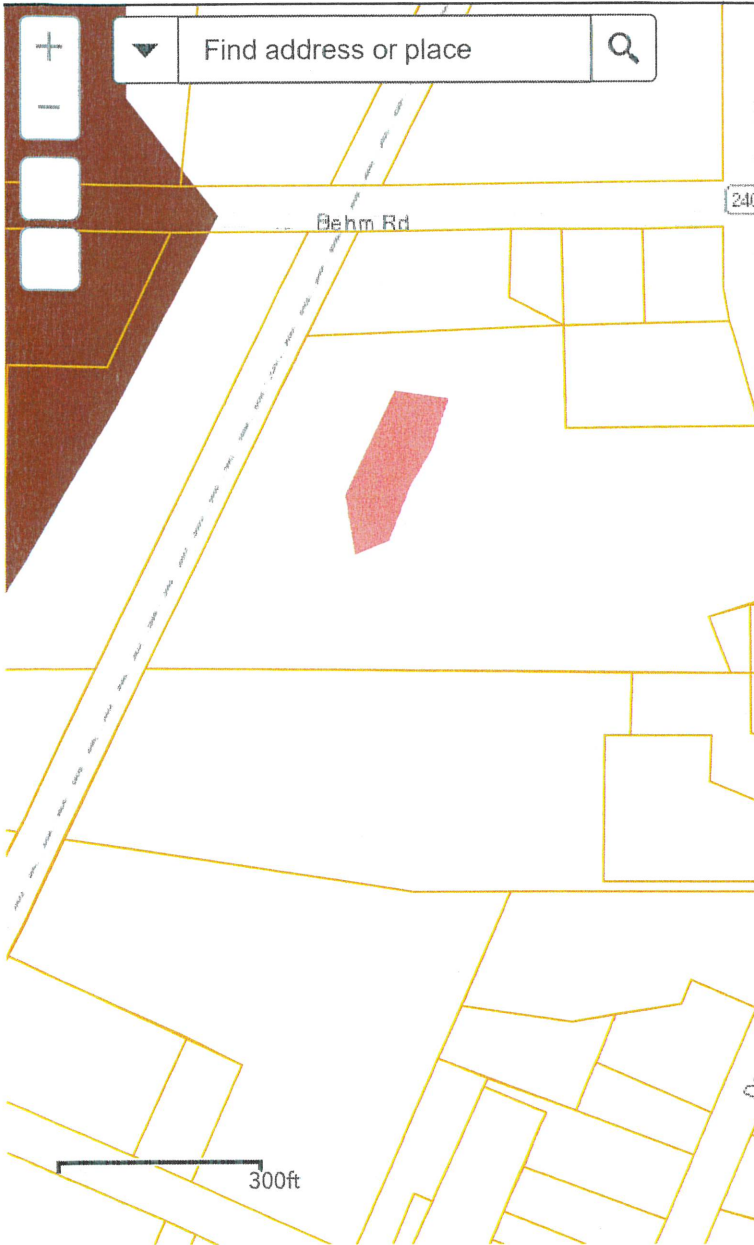
H Water Regime **Permanently Flooded**: Water covers the substrate throughout the year in all years.

Other Modifier(s):

x SPECIAL MODIFIER **Excavated**: This Modifier is used to identify wetland basins or channels that were excavated by humans.

Observed **NY** Plant Specie(s) within the specified Attribute:

Scientific Name	Common Name	Indicator	Reference Info.
-----------------	-------------	-----------	-----------------



Legend

- Parcels - Zoom in to Display**
 - Parcels - Zoom in to Display
- Steep Slopes**
 - Steep Slopes
- NWI Wetlands**
 - Freshwater Pond
 - Freshwater Forested/Shrub Wetland
 - Freshwater Emergent Wetland
 - Riverine
 - Other
 - Lake
- NYS DEC Wetlands**
 - NYS DEC Wetlands
- Waterways**
 - Waterways
- NY Protected Area Database**